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STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

LEGISLATIVE HEARING

In the Matter of Application for Modification
of a Solid Waste Management Facility Permit pursuant
to Environmental Conservation Law Article 27 and
Title 6 of the Official Compilation of Codes, Rules
and Regulations of the State of New York, Part 360,
and Related Environmental Permits

by the

CITY OF ALBANY,

[DEC Application I.D. No. 4-0101-00171/00011]

DATE: December 3, 2008

TIME: 7:00 p.m. to 10:27 p.m.

LOCATION: Polish Community Center
225 Washington Avenue Extension
Albany, New York

BEFORE: Kevin Casutto
Administrative Law Judge
Office of Hearings and Mediation
Services
625 Broadway, 1st Floor
Albany, New York 12233-1550
Telephone: (518) 402-9003
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2 APPEARANCE:
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11
12 FOR THE DEPARTMENT OF ENVIRONMENTAL
13 CONSERVATION:
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15 NEW YORK STATE DEPARTMENT OF
16 ENVIRONMENTAL CONSERVATION
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22
23 ALSO PRESENT:
24 Steven I. Apfelbaum
Frank LaVardera
Richard Ostrov

1
2 (The legislative hearing
3 commenced at 7:00 p.m.)
4 A.L.J. CASUTTO: May we come to
5 order, ladies and gentlemen?
6 Good evening. My name is Kevin
7 Casutto. I'm an administrative law judge with the
8 New York State Department of Environmental
9 Conservation.
10 FROM THE FLOOR: Use the
11 microphone.
12 FROM THE FLOOR: Turn the
13 microphone on, please.
14 A.L.J. CASUTTO: Okay. I'll
15 start again.
16 Good evening, ladies and
17 gentlemen. My name is Kevin Casutto. I'm an
18 administrative law judge with the New York State
19 Department of Environmental Conservation, and I've
20 been assigned to conduct this legislative hearing
21 session.
22 FROM THE FLOOR: The microphone's
23 not on.
24 A.L.J. CASUTTO: Okay. It is on

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2 PUBLIC SPEAKERS:
3 Gerald Jennings
4 Paula Mahan
5 Frank Leak
6 Dominick Calsolaro
7 Mike O'Brien
8 Tom Tobin
9 Chris Hawver
10 Peter Henner, Esq.
11 Carm Privitera
12 Marion Kuritz
13 Tom Ellis
14 Barbara Warren
15 Jim Travers
16 Lynne Jackson
17 Frank Prevratil
18 Grace Nichols
19 John Wolcott
20 Andrew Arthur
21 Lorenz Worden
22 Don Reeb
23 Bob Griffin
24 Lynne Lyons
Steve Garry
Sally Cummings
Patrick Sorsby
Dominick Ragone
Elaine Sacco
Donald Csaposs
Russell Ziemba

1
2 sir. We're doing our best.
3 FROM THE FLOOR: Turn the
4 microphone on.
5 FROM THE FLOOR: We can't hear
6 it.
7 A.L.J. CASUTTO: Thank you.
8 Regarding the permit modification application of
9 the city of Albany to expand its -- the city's Rapp
10 Road Landfill.
11 Now, to start out with tonight,
12 you can see we're having some technical
13 difficulties. We have only one working microphone,
14 rather than two. That's why I'm up here, instead
15 of at that table, but we'll do the best we can.
16 (Off-the-record discussion)
17 A.L.J. CASUTTO: The purpose of
18 this legislative hearing is to obtain your comments
19 on the proposed City of Albany Rapp Road Landfill
20 expansion application. The initial combined public
21 notice announcing notice of complete application,
22 notice of completion of draft supplemental
23 environmental impact statement, and legislative
24 hearing, was published in the "Albany Times Union"

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 2 and in the Department's "Environmental Notice
 3 Bulletin" during the week of October 6th, 2008.
 4 Subsequently, the Department determined to revise
 5 the hearing date, and deadline for submission of
 6 written application -- excuse me, submission of
 7 written comments on this project. A revised
 8 combined public hearing notice was published in the
 9 "Albany Times Union" on October 23rd, 2008, and in
 10 the Department's "Electronic Environmental Notice
 11 Bulletin" on October 22nd, 2008.
 12 The revised public hearing notice
 13 changed the hearing date to today's date, and
 14 extended the written comment deadline to December
 15 15th. Information and documents regarding this
 16 permit-modification landfill-expansion application
 17 have been available for public review during the
 18 comment period, and are available for review today.
 19 You may make your views known either by making an
 20 oral statement during this session, or by
 21 submitting a written comment.
 22 If you wish to make a public
 23 statement tonight, you must complete a speaker
 24 registration card. And as I've indicated to you

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 2 preparation.
 3 I am aware that this permit
 4 application engenders strong feelings on both
 5 sides. I ask that during the public comments you
 6 remain respectful to your fellow citizens,
 7 regardless whether you agree with their views of
 8 this proposed project. In conducting this public
 9 legislative hearing, first the Applicant will make
 10 a brief statement describing the proposed project.
 11 Then Department staff will make a brief statement
 12 describing their position. In addition, before we
 13 hear from the Applicant, Mayor Gerald Jennings has
 14 requested to address the audience first. And so,
 15 we -- we will hear the honorable mayor first.
 16 Following those statements we
 17 will hear from elected officials who may wish to be
 18 heard, and then I will call the speaker
 19 registration cards, more or less in the order that
 20 D.E.C. staff has received them.
 21 Lengthier statements may be
 22 submitted in writing and should be summarized
 23 orally. Individuals will be afforded only one
 24 opportunity to provide an oral statement. If you

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 2 before we began the hearing, the D.E.C. staff is at
 3 a table to my right, and they have those cards.
 4 Please fill out a card and return it to them.
 5 I'll ask that anybody with cell
 6 phones or beepers, please -- please turn them off
 7 during the hearing.
 8 If you wish to submit a written
 9 comment, you may do so during a break in these
 10 proceedings, or as described in the hearing notice,
 11 to be received by Department staff by December
 12 15th, 2008.
 13 This legislative hearing session
 14 is not a question and answer session. The purpose
 15 of the hearing is to receive your comments on this
 16 proposed project. My role in the hearing is
 17 limited to assuring that the comments are received
 18 in an orderly manner. That is, I will not render
 19 any decision or evaluate the merits of this permit
 20 application.
 21 If you will be reading a prepared
 22 statement into the record, please provide me with a
 23 copy of the written document when you have
 24 completed your presentation, to aid in transcript

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 2 wish to provide additional comment, you may do so
 3 in writing. So at this time we will hear from the
 4 Honorable Mayor Gerald Jennings. Thank you very
 5 much.
 6 Every time that happens I think
 7 of --.
 8 (The meeting was interrupted.)
 9 FROM THE FLOOR: Turn that off.
 10 A.L.J. CASUTO: Turn it off. Now
 11 we have no microphone.
 12 FROM THE FLOOR: Now we have no
 13 mic.
 14 (Off-the-record discussion)
 15 MAYOR JENNINGS: How is this? Is
 16 that better?
 17 FROM THE FLOOR: That's much
 18 better.
 19 MAYOR JENNINGS: No noise; right?
 20 FROM THE FLOOR: Yes.
 21 MAYOR JENNINGS: All right. So
 22 okay. You're not going to reposition the speaker
 23 right now, I'm going to be about two minutes; okay?
 24 FROM THE FLOOR: No we weren't

1 speaking of you.
 2 MAYOR JENNINGS: All right. I
 3 was just reading into that, okay.
 4 But first of all, I want to
 5 welcome everyone here tonight. And good evening.
 6 And I -- it's great to see people come out because
 7 it's important that everyone is heard. And I want
 8 to thank you for allowing me to speak this evening
 9 on the importance of the proposed expansion of this
 10 landfill, of the Rapp Road landfill.
 11 I'd like to take a moment to
 12 thank everyone here tonight for their interest in
 13 this issue. We've discussed it for many, many
 14 years. We should continue to have discussions.
 15 Whether you're in favor of the proposed expansion
 16 or not, I appreciate your awareness, and hope to
 17 share with you my reasons why I believe this
 18 expansion should be approved.
 19 We started the city with --
 20 discussions with D.E.C. in late 2005, on the need
 21 for another expansion of Rapp Road. It has taken
 22 three years to get to a complete determination and
 23 this public hearing. A major reason it has taken

1 potential adverse impacts the expansion might have
 2 on the preserve.
 3 But I believe the expansion will
 4 provide the following: First, an additional six
 5 point five years of predictable and reasonably
 6 priced waste disposal capacity for the city, and
 7 much of the capital region.
 8 Second: The time to plan for and
 9 get the next generation of regional
 10 waste-management facilities operational, before we
 11 exhaust the Rapp Road landfill capacity. To this
 12 end, we have already started working closely with
 13 D.E.C. staff on a solid-waste-management-plan
 14 modification and update. I recently established
 15 the S.W.M.P. steering committee, and met with the
 16 members for the kick-off meeting just recently.
 17 Thirdly, the expansion includes a
 18 Pine Bush Habitat restoration plan that will cost
 19 more than the expansion itself, involve the
 20 restoration of about two hundred and fifty acres of
 21 land, on and around the landfill site, and will be
 22 the biggest single investment ever made in the Pine
 23 Bush Preserve. The implementation of this plan

1 so long is because we have done everything within
 2 reason, and then some, to try and -- to turn this
 3 into a win-win scenario, that everyone can benefit
 4 from.
 5 The city has reached out to New
 6 York State D.E.C., the Nature Conservancy, the
 7 Albany Pine Bush Commission, the other planning
 8 unit communities, and other stakeholder groups. As
 9 a result of these discussions, the city has changed
 10 the location, design, and orientation of the
 11 expansion, at great expense to the total project
 12 cost. Obviously the expansion of the Rapp Road
 13 landfill is complicated and controversial, due
 14 largely to the facility's proximity to the Albany
 15 Pine Bush Preserve.
 16 The city of Albany actively
 17 supported the creation of the preserve,
 18 contributing substantially to it with both land and
 19 financial funding, as well as serving on the Albany
 20 Pine Bush Commission. As many of you know, since
 21 my days on the city council, I've been a longtime
 22 friend and supporter of the Pine Bush. I am keenly
 23 aware of the responsibility to fully mitigate

1 will more than make up for the loss of fifteen
 2 acres of city-owned property on the landfill
 3 parcel, which was never part of the Pine Bush
 4 Preserve, and is needed for the expansion.
 5 Fourth: The continued operation
 6 of the landfill will provide the funding needed to
 7 implement the next generation of more aggressive
 8 waste reduction and recycling programs that we want
 9 to implement, in partnership with the new
 10 administration at D.E.C. Without the expansion,
 11 the funding for the habitat restoration plan, an
 12 improved waste reduction and recycling program --
 13 program simply won't exist.
 14 Fifth: All of the landfill gas
 15 generated, which is a renewal energy source, will
 16 be used in gas-to-energy plants to produce
 17 electricity. One plant is already operational, and
 18 a second plant is now in the planning stages,
 19 anticipated to be on line in late 2009.
 20 As I said, working together with
 21 the state of New York, and the other communities in
 22 our planning unit, we can make this a win-win
 23 situation; we really can if we look at this

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 2 objectively. The city and region need the
 3 additional disposal capacity that expansion would
 4 provide. The last thing we want for the Capital
 5 Region is have to ship our waste by long-haul
 6 trucks to distant landfills at unpredictable
 7 prices. Long-haul trucking of municipal waste
 8 should be a significant concern to D.E.C. and
 9 everyone, if we are serious about climate change
 10 and reducing greenhouse gases.
 11 We will work with the new
 12 administration at D.E.C., and make our
 13 solid-waste-management plan, recycling initiatives,
 14 and the Pine Bush Habitat Restoration Plan, models
 15 for New York State D.E.C. But without the Rapp
 16 Road expansion, we lose the revenue to -- we lose
 17 the revenue source to fund it all. I invite the
 18 D.E.C. to work in a spirit of cooperation, which
 19 they have, with the Capital Region communities who
 20 depend on this facility for disposal capacity, to
 21 move forward with us on a new regional
 22 waste-management plan, and to support and expedite
 23 the approval of this landfill expansion proposal.
 24 Again, thank you for giving me

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 2 the D.E.C.
 3 The existing landfill at Rapp
 4 Road has capacity to approximately the end of 2009.
 5 The city has been taking steps to preserve the
 6 space at the landfill by certain operational
 7 aspects. In particular, the land -- the city has
 8 been shredding waste to increase the density of the
 9 landfill, to prolong landfill space. As many of
 10 you know, the city previously identified site C-two
 11 in the town of Coeymans as the site of a potential
 12 long-term landfill for the planning unit.
 13 Upon further investigation of
 14 that site it was determined that there are
 15 additional federally regulated wetlands on that
 16 site that will result in a protracted permitting
 17 process, which we have had discussions with the
 18 United States Army Corps of Engineers. The problem
 19 that was identified is that it will take
 20 approximately ten years to permit, and provide the
 21 mitigation that's necessary, to permit the site to
 22 be capable of -- of landfilling for about twenty
 23 years. That, at this present time, does not
 24 justify the infrastructure cost of the site, with

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 2 this opportunity. I urge you to allow our capital
 3 city to move forward with this expansion proposal.
 4 Thank you for all being here
 5 tonight. We do appreciate it. Thank you.
 6 Thank you, Judge.
 7 A.L.J. CASUTTO: All right. We
 8 will now hear from the -- we will now hear from the
 9 city's engineering consultant, Frank LaVardera,
 10 Principal with Clough-Harbour Associates
 11 engineering firm. And Mr. LaVardera will present a
 12 PowerPoint presentation.
 13 MR. LAVARDERA: Thank you, Judge
 14 Casutto. Good evening, ladies and gentlemen. My
 15 name is Frank LaVardera. I'm with Clough, Harbour
 16 and Associates. We are the consultants to the city
 17 on the landfill expansion project.
 18 I'm going to give you a brief
 19 presentation tonight with some of the specifics
 20 about the expansion plan. All of the information
 21 that we are presenting tonight is contained in the
 22 supplemental draft environmental impact statement,
 23 and the Part 360 landfill application --
 24 modification application that's been submitted to

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 2 only a shorter-term guarantee for that site of
 3 approximately ten years at this particular point.
 4 As the mayor pointed out, the
 5 existing landfill provides a predictable and
 6 reasonably priced disposal option for the city and
 7 the other -- other municipalities and businesses
 8 within the Capital Region. The preferred
 9 alternative that is being proposed tonight requires
 10 about fifteen acres of lateral expansion, and about
 11 twenty-three acres of overfill of the existing
 12 landfill. Over half of the new lateral expansion
 13 area is previously disturbed area. All the lands
 14 for the proposed expansion are owned by the city of
 15 Albany, and are -- are not, and have not, been
 16 dedicated to the Pine Bush. The expansion will
 17 provide approximately six and a half years of
 18 additional landfill space for the region.
 19 As part of the investigations to
 20 support the landfill application, four quarters of
 21 air testing was conducted on and around the
 22 landfill. These tests were conducted by a firm
 23 called R.T.P., Environmental Consultants. R.T.P.
 24 is a very reputable firm with long-term experience

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 2 in doing air testing around landfills. As part of
 3 this program, the city provided informational
 4 meetings to -- to the neighbors around the landfill
 5 over the past year. As each quarter of air testing
 6 was conducted, quarterly meetings were held, and
 7 the information was presented. R.T.P.'s entire
 8 report, and all the air data that was contained
 9 from their testing, is in the supplemental E.I.S.
 10 The results of the testing indicated that there are
 11 no offsite impacts related to health in and around
 12 the landfill area.
 13 As was mentioned, at the request
 14 of the New York State D.E.C., the city of Albany,
 15 on behalf of the planning unit, updated the
 16 existing solid-waste-management plan that was
 17 repaired back in the early 1990s. As part of this
 18 modification, the modification identified existing
 19 solid waste and recycling practices that are taking
 20 place in the planning unit at this point. It also
 21 identified that the landfill expansion that's
 22 proposed here tonight was a reasonable alternative
 23 to provide landfill space until a long-term
 24 solid-waste-management plan could be prepared.

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 2 As presented in the E.I.S., this
 3 aerial photograph shows the initial subcell in this
 4 particular area. The -- the total expansion area
 5 is approximately fifteen acres. The first subcell,
 6 which is about half the fifteen acres, is in
 7 this -- this position. As you could see, these are
 8 previously disturbed lands. There's an existing
 9 building that's in place, there are some other
 10 stormwater facilities. All that will require
 11 relocation.
 12 The second phase of the expansion
 13 will continue to the north of the initial expansion
 14 area, and provide the additional capacity that
 15 again, should last about six and a half years.
 16 Alternatives: A number of
 17 different alternatives were evaluated with respect
 18 to the proposed project. Those alternatives
 19 included onsite alternatives, alternative layouts
 20 of the configuration that you just saw, and
 21 alternative sites. As the mayor indicated earlier,
 22 the city has spent approximately three years
 23 discussing alternatives with various groups in --
 24 in the capital region. Those include the New York

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 2 One of the key elements of the
 3 solid waste -- the solid-waste-management-plan
 4 modification was that the planning unit will be
 5 hiring, as of January 1, a recycling coordinator,
 6 who will provide education and compliance with
 7 recycling programs, not only in the city of Albany,
 8 but throughout the entire planning unit.
 9 And finally, as part of the
 10 solid-waste-management-planning process, the city,
 11 on behalf of the planning unit, has just begun to
 12 prepare a new long-term solid-waste-management plan
 13 that will look beyond the proposed landfill
 14 expansion of approximately six and a half years.
 15 To that end, a new solid-waste-management-plan
 16 steering committee has been formed, and that
 17 steering committee held its first meeting on
 18 November 24th. It's anticipated that that process
 19 will take anywhere from twelve to eighteen months.
 20 And it will identify long-term measures for
 21 disposal of solid waste and recycling. And those
 22 plans will then be implemented during the balance
 23 of the years, as the proposed landfill expansion is
 24 utilized.

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 2 State D.E.C., the Albany Pine Bush Commission, and
 3 the Nature Conservancy. A number of meetings were
 4 held with those organizations to go over the
 5 alternatives that are presented up on the screen,
 6 to identify any problematic issues that those
 7 agencies had with the plans.
 8 The alternatives include
 9 alternative one, which is known as the northern
 10 expansion, which was proposed up into the existing
 11 trailer park to the north of the landfill.
 12 Alternative two, which was a
 13 western expansion, which you see outlined in green.
 14 Alternative three, which is the
 15 alternative that's proposed, which is known as the
 16 eastern expansion, which occupies this area.
 17 And then finally a variation of
 18 alternative three -- excuse me, of alternative two,
 19 was this alternative four, which was a smaller
 20 version of alternative two.
 21 Based on the meetings that were
 22 conducted, and the analysis that was provided in
 23 terms of landfill capacity, alternative three,
 24 known as the eastern expansion, was selected, and

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 2 is the subject of this application.
 3 Alternative layouts: The
 4 preferred layout that we had was subject to a
 5 number of reviews to identify whether there were
 6 particular alternatives.
 7 One was what we call the
 8 avoidance scenario. As part of the fifteen acres
 9 where we're proposing to land -- expand the
 10 landfill, there's approximately five point six
 11 acres of regulated wetlands. One alternative was
 12 an avoidance scenario, to totally avoid those five
 13 point six acres of wetlands. That scenario results
 14 in a landfill capacity of about two point eight
 15 years, which was deemed unreasonable for the amount
 16 of time the planning unit needs to plan for new
 17 long-term facilities.
 18 The second onsite alternative was
 19 known as footprint minimization. Essentially
 20 trying to make the landfill cell deeper than is
 21 currently proposed. There were a number of
 22 geotechnical investigations that were conducted
 23 that concluded that it was infeasible to make the
 24 landfill deeper to provide the same capacity and

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 2 identification of federal wetlands, the -- the
 3 permanent time line of that facility makes that
 4 site unfeasible at this particular point.
 5 And then finally, one of the
 6 alternatives also considered in the E.I.S. is
 7 transfer and long haul of waste. And as the mayor
 8 pointed out, this alternative is really not
 9 feasible from an economic standpoint, in -- in
 10 terms of the cost of -- of developing a transfer
 11 station, shipping the waste long haul, presumably
 12 to a land fill in the western part of the state,
 13 and in essence has the potential to put forty-five
 14 trailer truckloads of waste a day on the New York
 15 State Thruway.
 16 As the mayor mentioned, one of
 17 the key elements of this application is a
 18 habitat-restoration plan that the city is proposing
 19 as part of the landfill expansion program. To that
 20 end, the city, through our office, has utilized a
 21 consulting firm with considerable expertise in
 22 ecological restoration. That -- that company is
 23 called Applied Ecological Services. And to go
 24 through the next series of slides, I'd ask Steve

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 2 use less lateral space.
 3 And finally, there was a final
 4 site alternative known as the habitat protection
 5 scenario. And in this scenario, it was identified
 6 that it was possible to reduce the size of the
 7 landfill, and resulting in impacts instead of five
 8 point six acres of regulated wetlands, we would
 9 only disturb five point zero two, about a half an
 10 acre less. And it was actually determined that
 11 this was the preferred alternative, and it was
 12 actually switched, and -- and this is what is now
 13 proposed as part of the application.
 14 And finally, alternative sites
 15 were considered. There were ten additional sites
 16 identified within the city of Albany, having to
 17 evaluate the potential of accommodating the
 18 landfill expansion. These sites were deemed to be
 19 unsuitable based on a number of conditions
 20 including geological conditions, topography, and
 21 distance to sensitive receptors.
 22 Site C-two in Coeymans, as I
 23 mentioned earlier, was the originally identified
 24 long-term site, and as I said, due to

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 2 Apfelbaum, who's the president of Applied
 3 Ecological Services to come up.
 4 Thank you very much.
 5 MR. APFELBAUM: Steve Apfelbaum,
 6 with Applied Ecological Services. I'm going to
 7 take you very quickly through an overview of the
 8 habitation-restoration or mitigation plan.
 9 Virtually any landfill sited on any piece of
 10 property that hasn't been previously developed will
 11 have some environmental impacts, whether they be
 12 habitat impacts or other types. You've heard that
 13 there may be in the range of five acres of wetland
 14 impact with the -- the preferred alternative that's
 15 before the D.E.C. at this time. As a part of
 16 compensation for the impacts to that five acres,
 17 and some other habitat impacts, and to address
 18 opportunities that have long been on the minds of
 19 conservation people in the -- in the neighborhood,
 20 what we've -- what we've looked at and worked at
 21 very closely, with the Pine Bush staff and others,
 22 is the opportunity to take the landfill, when it's
 23 closed, and to take the trailer park and other
 24 disturbed landscapes that are now considered to be

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 2 not particularly a viable habitat for the Pine Bush
 3 ecosystem, and restore those areas. All told,
 4 approximately two hundred and fifty acres of dunes
 5 would be restored, grasslands would be restored,
 6 savannahs and other typed of habitat restorations,
 7 including wetland restoration and stream
 8 restoration would be provided.

9 We started the -- the planning
 10 process first by mapping what was already on the
 11 ground. The area in purple on this, just for
 12 reference, is the trailer park kind of to the north
 13 and east of the existing landfill, which is the
 14 large area in green on this particular graphic.

15 What -- what those areas
 16 represent currently is large holes in terms of the
 17 habitat linkages over the landscape. You know, the
 18 rare butterflies and other rare organisms don't
 19 particularly use the landfill as it currently
 20 exists, nor do they use the trailer park as it
 21 currently exists. So in short, in -- in essence
 22 what we're proposing in the documentation before
 23 D.E.C., is to restore these landscapes to viable
 24 habitat of the various types that I mentioned

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 2 previously, and reconnect the Pine Bush, which is
 3 shown in yellow on this graphic, that occurs both
 4 to the south and east, and to the north and the
 5 west of the existing landfill and trailer court.

6 The -- the restoration plan
 7 includes very close consultation with the Pine Bush
 8 staff and Nature Conservancy and others, D.E.C. and
 9 others, to bring back those habitat types that used
 10 to be present and are now increasingly essential to
 11 protect the species, including the rare species
 12 that are -- are found in the Pine Bush, like the
 13 Karner Blue Butterfly. The landfill itself, you
 14 can see here has -- it's a yellow color with large
 15 areas of green. Each of those colors represents a
 16 different habitat type that are essential to the
 17 restoration of the Pine Bush. The -- the purple
 18 areas, or I -- I guess they're kind of reddish
 19 areas, maroon or red, on this graphic would be
 20 stream and wetland restorations that would be
 21 restored. There used to be stream systems that
 22 crossed the existing location of the trailer court.
 23 And when the trailer court was constructed and
 24 the -- and the land was leveled, those streams were

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 2 pushed off to the side. So we would be bringing
 3 those streams back, bringing the wetlands
 4 associated with those streams back, and then also
 5 bringing back forested and dry prairie grasslands,
 6 shown in yellow, back to the landscape,
 7 reconnecting from east to the west, if you will,
 8 the habitat, and including the -- the landfill
 9 itself, which is really a major step and milestone
 10 in -- in New York, although we'll show you that
 11 restoration of habitats is being done, and the
 12 state of New York is a leader globally --
 13 nationally for sure, in -- in putting habitats back
 14 on lands -- on landfills, this opportunity
 15 represents a really important valuable conservation
 16 opportunity, for reconnecting this wonderful Pine
 17 Bush Preserve.

18 Many landfills around the United
 19 States are now doing what the state of New York
 20 started doing almost two decades ago, starting with
 21 the Fresh Kills Landfill on Staten Island, planting
 22 trees and planting native vegetation, rather than
 23 high maintenance plant materials that have to be
 24 mowed regularly, instead planting the same prairie

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 2 grasses and wildflowers and trees and shrubs that
 3 in fact are -- are elemental to the health and
 4 ecosystem found in the Pine Bush. Planting that on
 5 places like the -- the Fresh Kills Landfill has
 6 been very, very successful for bringing some of the
 7 habitats back, and that is in fact what would be
 8 done, potentially, under this proposal.

9 You know, shortly after creating
 10 dunes on top of a landfill, and planting trees and
 11 shrubs, and bringing back the seeds for the native
 12 grasses and native plants, the habitat takes shape
 13 very, very quickly if it's done correctly. And
 14 that's what we anticipate doing here. You can see
 15 at the Fresh Kills project, between 1992 and 1995,
 16 the -- the quick jump from a -- virtually a bare --
 17 barren, or not particularly well-suited habitat, to
 18 a wonderful meadow habitat was achieved on this
 19 particular landfill.

20 That's essentially what we're
 21 proposing to do as a part of the mitigation plan on
 22 the landfill, and then off the landfill in the
 23 trailer park and other disturbed lands, restoration
 24 will be done as well, as compensation or mitigation

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 2 for the impacts described.
 3 Thank you.
 4 MR. LAVARDERA: Thank you very
 5 much, Steve. For additional information, the
 6 landfill does have a -- and this project does have
 7 a Web site, as you can see. And with that, Judge
 8 Casutto, I turn it back over to you.
 9 Thank you.
 10 A.L.J. CASUTTO: Thank you. We
 11 now have a second microphone. We will now hear
 12 from William Clark, regional permit administrator
 13 for New York State Department of Environmental
 14 Conservation, Region Four. Apparently --
 15 apparently we'll hear from Regional Attorney
 16 Richard Ostrov, rather than William Clarke.
 17 MR. OSTROV: Good evening. My
 18 name is Rich Ostrov. I'm the regional attorney for
 19 Region Four, which includes Albany County. I'm
 20 going to make this quite --
 21 FROM THE FLOOR: I can't hear
 22 you.
 23 A.L.J. CASUTTO: Speak up.
 24 MR. CLARKE: My name is Rich

1
 2 We've made no final decision on whether the permit
 3 application should be issued or denied. The draft
 4 environmental impact statement has only been deemed
 5 by the Department staff to be complete for purposes
 6 of public review. I want to emphasize that point
 7 again. The D.E.I.S. is complete for public review.
 8 We haven't made -- taken a final position. We are
 9 looking for your comments and concerns, and we'll
 10 take them into consideration.
 11 Staff will be around during the
 12 breaks to answer any of your questions. And if
 13 time permits, we will be here after. I know from
 14 the public hearing I was at last night finished
 15 around ten forty; if we can get done a little bit
 16 earlier than that, we'll be here to take some of
 17 your questions. But anyway, thank you for coming
 18 out, and we hope to hear from you tonight, and if
 19 you have any written comments, send them to D.E.C.
 20 Thank you very much.
 21 A.L.J. CASUTTO: Thank you.
 22 We'll now hear from your elected
 23 officials. The first speaker is Colonie Town
 24 Supervisor Paula Mahan.

1
 2 Ostrov. Better?
 3 FROM THE FLOOR: Yes.
 4 MR. CLARKE: Good. Good. I'm
 5 the regional attorney for Region Four, which
 6 includes Albany County. The reason I'm up tonight
 7 is to basically show you -- or present some of the
 8 people who'll be working on this permit review.
 9 Andy Marcuccio, if you would
 10 stand up. His phone number is three five seven two
 11 four four six, and he's the project manager, and
 12 please don't hesitate to give him a call if you
 13 have any questions.
 14 Tom Reynolds, many of you have
 15 met, he's in the back. He's a solid-waste
 16 engineer. He'll be very involved in the review of
 17 the application. Carl Parker is not here, he's the
 18 wetland biologist. We also have Gene Kelly
 19 (phonetic spelling), our regional director, will be
 20 involved as well, and Bill Clarke, the regional
 21 permit administrator.
 22 Tonight I want to make sure
 23 that -- that you understand the Department staff
 24 are here to listen to your comments and concerns.

1
 2 MS. MAHAN: Good evening. My
 3 name is Paula Mahan. I'm the Colonie town
 4 supervisor. The following is a letter that I
 5 recently wrote to Commissioner Grannis, which
 6 expresses our concerns for the town of Colonie, our
 7 residents in -- in Colonie, and very concerned
 8 about our residents in the village of Colonie,
 9 which are very close to this area.
 10 And it reads as follows:
 11 (Reading) "Dear Commissioner
 12 Grannis, I am writing on behalf of the residents
 13 and business owners of the town of Colonie, to
 14 share our concerns about the proposed expansion of
 15 the city of Albany's landfill at Rapp -- Rapp Road.
 16 "As I'm sure you are well aware,
 17 any project of this magnitude is bound to generate
 18 significant public interest, and this is exactly
 19 the case in this instance. The current site of the
 20 landfill is in very close proximity to the
 21 city/town line and for years residents have
 22 registered their concerns and complaints about odor
 23 and the potential for long-term implications to
 24 their health. The problems have not been exclusive

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2 to the residential neighborhoods closest to the
3 landfill. In fact residents miles away from the
4 landfill have reported strong odors emanating from
5 the site.

6 "I trust the City of Albany and
7 their partners in this endeavor have given
8 consideration to the impact on the residents of our
9 town, and I believe they want to minimize the
10 impact on our quality of life. In spite of that
11 consideration, there still remains great concern
12 within our town about the supplemental draft
13 environmental impact statement, and how it will
14 affect our community.

15 "That is the primary reason I
16 have decided to participate in tonight's hearing,
17 so that I may speak on behalf of the residents to
18 ensure the New York State Department of
19 Environmental Conservation hears their concerns.
20 In the past, town officials have had minimal input
21 regarding this issue. But as this process moves
22 forward, I urge you to give every consideration to
23 the residents of our town who will be impacted by
24 this latest expansion of the Rapp Road landfill.

1
2 "The effects are significant and
3 their concerns are real. The S.D.E.I.S. addresses
4 many of the issues that will have the greatest
5 impact, but our residents are looking for
6 assurances from your agency that every avenue to
7 minimize and eliminate the negative impacts of this
8 expansion are explored and implemented. Many have
9 called to halt any expansion, especially in this
10 historically and environmentally significant
11 preserve. Certainly we agree there must be a
12 substantial justification for this expansion. But
13 as your partner in government, we insist, if this
14 expansion is to go forward, then our concerns I
15 have raised in this letter, and others have and
16 will raise, must be addressed.

17 "I thank you for your time and
18 your consideration."

19 A.L.J. CASUTTO: Thank you. The
20 next speaker is the mayor of the village of
21 Colonie, Frank Leak.

22 MAYOR LEAK: I wish Mayor
23 Jennings was here now, just to thank him for
24 showing up. This is the first time that I remember

1
2 he showed up, and I -- I congratulate him for doing
3 that.

4 I think this is a very important
5 issue, very important. And I'd just like to
6 mention, my name is Frank Leak and I'm the mayor in
7 the village of Colonie. Our village is located
8 adjacent to the landfill, lying immediately to the
9 northeast. Due to our location, we are the
10 municipality most affected by this landfill
11 operation. Our village fire company is a first
12 responder to fire emergencies at the landfill. I
13 have a list here, if anybody wants to see, over the
14 last three years, there was over two dozen calls
15 for landfill odors here at the landfill.

16 And each time, I must add, we
17 have to pay the gas for those firetrucks, and we
18 take a change that those gentlemen could have an
19 accident. So the village of Colonie pays for those
20 gas bills. And we do it gladly, but we just want
21 you to know that it -- it could be dangerous if one
22 of our trucks get hit or there's an accident, or
23 something.

24 I have long been connected -- I

1
2 have often -- long been concerned about the city's
3 attempt to expand the landfill operation, because
4 of the history of operating problems with the
5 landfill, and the -- and the city's inability, or
6 lack of motivation, to solve these problems. While
7 recently the city has been receptive to working on
8 the odor issue, and those efforts have improved
9 greatly, I feel that those efforts have been
10 motivated by this application for expansion, and
11 that once their request is granted, it will be a
12 return to business as usual. The odors will
13 return, the loose garbage will blow in the wind,
14 and we will be where we started, saddled with
15 obnoxious odors, complaints from residents
16 suffering from allergies, asthma, which my wife and
17 my daughter have, and other respiratory illnesses,
18 the inability of residents to enjoy their yards, or
19 open their windows, or we, village government will
20 be powerless to remedy the situation.

21 It is our belief that the city
22 administration, based upon past conduct, simply
23 doesn't care about the little village of Colonie.

24 Summer nights, the smell -- well,

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 2 I've got to get my pages here. I apologize. I'll
 3 get them in order or I'll be in trouble, as always.
 4 That they might continue to live
 5 in the village within a mile of the landfill
 6 boundary.
 7 We have an urban park, Cook Park,
 8 which has been improved with Little League, Babe
 9 Ruth baseball fields, where over a thousand young
 10 people spend their summers playing ball. They
 11 bring their parents -- thank you. They bring their
 12 parents, their grandparents, their aunts, their
 13 uncles, their friends to cheer them on. We have an
 14 outdoor amphitheater, which I am very proud of. We
 15 conduct a series of free concerts every summer,
 16 drawing thousands of music lovers. We have other
 17 village functions, including our Halloween
 18 hayrides, our Mayor's Cup Run, our Family Fun Day,
 19 our Boy Scouts -- they have a campout there
 20 weekends and it's great, and other
 21 community-service events. We have new pavilions
 22 with outdoor barbecue facilities, bocce courts,
 23 horseshoe pits, and other outdoor amenities. We
 24 have walking trails where you can walk, exercise,

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 2 their air-conditioned car.
 3 I am not confident that your
 4 agency will deny the application to the -- expand
 5 the landfill, if for no other reason than all the
 6 trash generated by the state government located in
 7 Albany is deposited in the city's landfill.
 8 Likewise, the city seems to review the landfill as
 9 a profit center to generate revenue to support the
 10 government operations and approval, as another form
 11 of state aid without the needs of a state agency
 12 (sic).
 13 I would urge, however, that any
 14 permit or approval be conditioned with meaningful
 15 restrictions on the kind and amount of refuse which
 16 can be deposited, and regular inspections which
 17 will protect the surrounding communities from the
 18 problems of the past. Limit the amount of refuse
 19 that can be delivered from outside the capital
 20 area. Ensure that the cap to be placed on the
 21 crown of the landfill be thick, impervious to
 22 erosion, cracks, and severe weather. And be clear
 23 that additional extensions on the surrounding Pine
 24 Bush lands will not be granted.

1
 2 enjoy walking with your pet. Our park has been
 3 improved with state, town, and village funds, and
 4 provides a unique recreational opportunity for town
 5 and village residents. It is the epitome of urban
 6 park.
 7 Some nights the smell at the park
 8 from the landfill is so bad that people leave
 9 because they cannot tolerate the obnoxious,
 10 sickening fumes of decomposing garbage. These
 11 fumes migrate over our residential and business
 12 properties located on the south side of Central
 13 Avenue, and can extend almost to Sand Creek Road on
 14 a muggy July evening. Consider the odor of a
 15 single garbage can left in the sun for several
 16 days, and multiply that terrible odor by several
 17 hundred times. That is the smell of which I speak.
 18 Central Avenue is the home to
 19 many restaurants, motels, bringing many visitors to
 20 the Capital District, vacations, businesses, or
 21 just a night at a favorite restaurant. Our
 22 business owners comment that their food and lodging
 23 facilities are less pleasing when the aroma of the
 24 landfill greets a party when they exist (sic) from

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 2 Having listened to many other
 3 sources, I understand that there are many -- many
 4 other issues facing this application, such as the
 5 proximity of the landfill to the underground
 6 aquifer, proximity to other sources of public
 7 drinking water, protected wetlands, endangered
 8 species, the ecology of the Pine Bush. All of
 9 these issues are important and should be carefully
 10 considered by your Agency, and to be sure that the
 11 city's conclusions are supported by strong, and
 12 complete, and scientific evidence.
 13 The issues presented by this
 14 expansion for the village of Colonie are more
 15 simple than these other issues. We do not use the
 16 landfill, our water supply is not impacted by it,
 17 and as located now The landfill's not developed
 18 within the bounds of the village of Colonie.
 19 However, our residents cannot escape the odor
 20 migrating from the site, and need the protection of
 21 strict regulation, with no further expansion of
 22 this facility, to have any chance to have full
 23 enjoyment of its public recreational facilities and
 24 private rights, associated with home ownership in

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 2 the village of Colonie.
 3 I urge you to consider our needs
 4 as the municipality closest to the landfill, but
 5 without any other protection for its residents
 6 except your vigilance and your adoption of strict
 7 controls for the operation of the landfill and
 8 these proposed expansions.

9 And thank you for giving me this
 10 time. I do have copies, sir, I will present to you
 11 now. Thank you very much.

12 A.L.J. CASUTTO: Thank you very
 13 much.

14 MAYOR LEAK: Thank you, sir.

15 A.L.J. CASUTTO: Thank you.

16 All right. The next speaker is
 17 Albany City Councilman Dominick Calsolaro.

18 MR. CALSOLARO: Good evening.
 19 First off I would like to thank -- I'm -- I'm a
 20 common council member for Albany for the first
 21 ward. And I -- I would like thank the New York
 22 State Department of Environmental Conservation for
 23 rescheduling this public hearing from November to
 24 December.

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 2 the quote. In my opinion, not all feasible
 3 alternatives to expanding the landfill were
 4 investigated. I found no mention of investigating
 5 the feasibility of turning the landfill into a
 6 resource recovery park, or constructing a
 7 resource-recovery park in another location besides
 8 the Pine Bush. In researching resource-recovery
 9 parks, I have found that many municipalities are
 10 now creating them, or converting existing
 11 landfills, to such resource-recovery parks. These
 12 parks emphasize the reuse, recovery, and recycling
 13 of waste before burying -- burying it or
 14 incinerating the waste. These parks take organic
 15 waste almost totally out of the equation. And let
 16 me remind you, it's the organic waste that creates
 17 the odors. The goal of these parks is zero waste.
 18 Many of these parks are already reducing landfill
 19 waste by up to seventy percent.

20 I believe that the forty-two
 21 million dollars projected by the city as the cost
 22 for the expansion of the landfill, and the
 23 restoration, would be better used in creating a
 24 resource-recovery park. And I just want to remind

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 2 FROM THE FLOOR: I can't hear you
 3 at all.

4 MR. CALSOLARO: Okay. The --
 5 I -- I would like thank the D.E.C. for rescheduling
 6 this public hearing from November to December. The
 7 documents that are to be discussed at this hearing
 8 total more than five thousand pages, and the
 9 original thirty-day notice for the public hearing
 10 allowed for an insufficient amount of time for
 11 interested parties to review this massive amount of
 12 information. I do not think that sixty days is
 13 enough time either, but obviously it has to do.

14 I am opposed to any further
 15 expansion of the Rapp Road Landfill in the city of
 16 Albany. I have attached documents to this
 17 presentation that will explain further my
 18 opposition to the expansion. I will limit my
 19 remarks tonight to what I feel are the reasons that
 20 the fourth supplemental draft environment impact
 21 statement, the S.D.E.I.S., is not complete.

22 First: On page one-one of the
 23 Executive Summary, it states, and I quote, "The
 24 city investigated a number of alternatives," close

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 2 you that many jobs will be created under a
 3 resource-recovery park, and as our President-elect
 4 Obama keeps telling us, green is the way to go to
 5 turn this economy around. Until this alternative
 6 is fully investigated, I don't feel that the
 7 S.D.E.I.S. is complete.

8 Furthermore, a second
 9 alternative, the transporting of the city's waste
 10 was only given a scant mention in the executive
 11 summary. I know there's a whole section on it
 12 later on, but like I said, going through five
 13 thousand pages, as one person, is not easy. Over
 14 the past few years, D.E.C. has approved the
 15 expansion of many commercial landfills in the
 16 western part of the state. This increase in
 17 landfill capacity outside of the Albany area would
 18 be able to handle the waste generated by the city.
 19 The cost of exporting the city's waste to another
 20 landfill was estimated by the city to be one point
 21 seven five million dollars during fiscal year 2007,
 22 and I have attached a copy of that. This one point
 23 seven million is a lot less than the two thousand
 24 dollar -- the 2007 cost for landfill consumables,

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 2 supplies, fuel, utilities, and employee costs,
 3 which combined in 2007 to equal four point three
 4 million dollars. The export -- and I'm not even
 5 including the two point three million dollars in
 6 debt payments we make every year. The exportation
 7 of the city's waste must be fully studied and
 8 evaluated before summarily dismissing this
 9 alternative as not feasible.

10 Second: The excuse given by the
 11 city for the necessity of a fourth expansion of the
 12 original Greater Albany Landfill - that excuse
 13 being found on page one-three and mentioned over
 14 and over again throughout the document, and I
 15 quote, "The expansion should provide the critical
 16 time necessary to address the future solid-waste
 17 management needs of ANSWERS," close the a quote. I
 18 call this excuse the same-old/same-old excuse for
 19 seeking another expansion of the landfill. How
 20 long is D.E.C. going to let the city get away with
 21 doing nothing to find an alternative to the
 22 landfill and the ecologically sensitive Pine Bush?

23 On page one-seven of the
 24 Executive -- of the executive summary it is

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 2 to twenty years to be constructed and all
 3 mitigation requirements met. So if the city was
 4 serious about using the Coeymans site, which was
 5 selected in the early 1990s, then the time period
 6 of ten to twenty years would have been met by 2009.
 7 But the city chose not to fully begin the process
 8 for the Coeymans site, and now fifteen years later
 9 we are still talking about the ten-to-twenty-year
 10 period, which was again mentioned tonight by Mr.
 11 LaVardera, of the ten-to-twenty-year-period
 12 necessary for Coeymans to be used as the next
 13 landfill site by the city.

14 Again, if D.E.C. allows the city
 15 to keep expanding the present landfill, the city's
 16 history shows that it will continue to do little to
 17 find a viable alternative to the Pine Bush
 18 landfill. Until the Coeymans site is fully
 19 examined, and the necessary processes begun for
 20 siting a landfill on that land, the S.D.E.I.S. is
 21 incomplete.

22 Third: The fourth S.D.E.I.S.
 23 should not be considered complete until the D.E.C.
 24 has in its hands the documents necessary for the

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 2 acknowledged that, and I quote, "Since the early
 3 1990s," close the quote, the city knew that it
 4 needed to find an alternative to destroying more of
 5 the rare inland pine barrens located over a primary
 6 aquifer, and to find a long-term solution to using
 7 a landfill located in -- located in the Pine Bush.
 8 Yet, after more than fifteen years, the city has
 9 failed to meet its obligation to find a -- and I
 10 quote, "long-term landfill solution." Right out of
 11 the executive summary. How long is this, quote,
 12 "critical time: Supposed to last? Will it be
 13 another fifteen years, or twenty, or thirty? Until
 14 D.E.C. steps in and tells the city that the Pine
 15 Bush will no longer be your dumping ground, the
 16 city will continue on its present course of taking
 17 the easiest way out - that is asking D.E.C. for the
 18 right to keep expanding the Greater Albany
 19 Landfill.

20 The S.D.E.I.S., in my opinion, is
 21 not complete until a viable alternative to
 22 expanding the landfill is presented to D.E.C.

23 The Coeymans site, according to
 24 the fourth S.D.E.I.S. page one-seven will take ten

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 2 city to meet its commitment, as stated on page
 3 one-six, and I quote, "to deed over all city-owned
 4 lands to the north and west of the landfill to the
 5 state or Nature Conservancy, to ensure the end of
 6 any future landfill expansions," close the quote.
 7 And unless this commitment is in legal form, and
 8 all parties have signed on to the transfer of these
 9 lands, then the fourth S.D.E.I.S. is not complete.
 10 These documents must be made a part of the
 11 S.D.E.I.S. so that in a few years from now, a fifth
 12 expansion of the original Greater Albany Landfill
 13 is not requested by the city, with the
 14 oft-mentioned caveat that this will be the last
 15 expansion of the landfill.

16 Fourth: There seems to be some
 17 contradictions in the S.D.E.I.S. executive summary.
 18 On page one-six it is stated that the eastern
 19 expansion, and I quote, "provides benefits that far
 20 exceed the minor," my emphasis, "environmental
 21 costs of the project." But then on page one-eight
 22 it states "As a result, the natural landscape and
 23 ecology of the site will be unavoidability
 24 eliminated. Additionally the new landfill edge may

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2 lead to ecological impacts into the Preserve lands
3 through runoff, increased light penetration into
4 forested areas, and blowing of trash," close the
5 quote. It further goes on to state, and I quote
6 again, "without proper treatment of the runoff from
7 the landfill slopes, there can be physical and
8 chemical modifications of the adjacent soils that
9 promote less desirable species, including invasive
10 species," close the quote.

11 So, what are the environmental
12 costs of the project? Are they minor or is the
13 natural landscape and ecology of the site going to
14 be forever eliminated? The contradiction must be
15 resolved before the S.D.E.I.S. is considered
16 complete.

17 Again I urge D.E.C. not to
18 approve the expansion of -- the expansion of the
19 expansion of the expansion of the original Greater
20 Albany Landfill. The -- the city has failed to
21 meet its obligation of finding alternatives to
22 operating a landfill in the environmentally and
23 ecologically sensitive Pine Bush. The city has
24 known about the need to find alternatives since the

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2 early 1990s and has failed to do so. D.E.C. must
3 no longer be an enabler to the city's addiction to
4 the garbage-for-profit business. The D.E.C. must
5 act like a strong parent and put its foot down, and
6 tell the city that enough is enough. The city has
7 had more than fifteen years to develop alternatives
8 to the landfill in the Pine Bush, but it has failed
9 to take advantage of the numerous opportunities
10 given to it by D.E.C. through previous approvals of
11 expansion requests, thus no further expansions
12 should be approved.

13 Thank you.

14 A.L.J. CASUTTO: Thank you.

15 Thank you.

16 All right. The next speaker is
17 Albany City Councilman Mike O'Brien.

18 MR. O'BRIEN: Dominick, you're a
19 tough act to follow, but I agree with a lot of what
20 you say.

21 Dominick and I came onto the
22 council in the same year, and obviously the history
23 of the landfill preceded both of us. I'm not -- I
24 prepared a written comment, and I'm not going to

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1
2 repeat a lot of it, because a lot of it was the
3 material that Frank LaVardera and the environmental
4 consultant went into. But there are some points
5 which I do want to make.

6 My first point is I wanted to
7 look a little bit at the history. I -- you know,
8 when I was a kid, and I grew up in Albany, every
9 village, every town, every city had a -- what Lynne
10 would call a dump. And it was strictly a municipal
11 function to handle trash. Then environmentalism,
12 Earth Day was established somewhere around 1970,
13 D.E.C. was established, and the Environmental
14 Protection Agency was established, and the whole
15 idea was that landfills - and that's what they
16 spoke about, as the environmental preference -
17 landfills had to be more scientifically designed,
18 they were more expensive, and as a result of that,
19 there were far fewer of them. It became beyond the
20 ability of the normal village, town to maintain its
21 own landfill. So the region kind of came together.
22 Colonie got a landfill; Albany got a landfill.
23 They're both regional. Troy uses Colonie, Cohoes
24 uses Colonie; I believe that Half Moon uses

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2 Colonie, the village of Colonie uses the town
3 landfill. Excuse me.

4 And Albany now has thirteen
5 municipalities that use their landfill, plus we
6 have the state of New York, the Office of General
7 Services, plus we have the University of New York,
8 plus we have several institutions, including
9 hospitals and private colleges. And I can tell you
10 that in those institutions, those large -- the
11 state of New York, for whom I work. I have no
12 recycling container on the floor that I work on. I
13 have to go down twenty-four floors to go to the
14 Concourse, to find a recyclable container that
15 would take a bottle or a can. Now maybe they're
16 improving, I think they slowly are, and from what I
17 hear, the State University is probably in the same
18 boat.

19 My point is that the problem of
20 trash is a macro problem. We live in a consumer
21 society. Each of us here throws away about five
22 pounds of trash a day. Now, that's a far cry from
23 the time that the local towns and local villages
24 were expected to be able to handle all of that. So

14 (Pages 50 to 53)

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 2 what has happened is obviously it's become
 3 commercialized. We have some huge conglomerates
 4 that operate landfills.
 5 I always like to allude to the
 6 city of New York, and there's a great book, which I
 7 think that everybody should be reading. It's in
 8 the Albany Public Library. It's called "Gone
 9 tomorrow: The Hidden Life of Garbage." Actually I
 10 think it was Lynne who recommended this book to me,
 11 at one of the Friends of Pine Bush dinners. It's
 12 a -- it's an amazing study. It gives you the
 13 example of New York City, where their last
 14 functioning landfill was Fishkill, and we saw some
 15 pictures of Fishkill restored now. After Fishkill,
 16 New York City had no domestic capacity for dealing
 17 with its solid waste. So what does it do? It
 18 ships it, fifty million road miles a year, as far
 19 away as North Carolina. And that doesn't count the
 20 rail miles. And by the way, a lot of New York City
 21 trash reposes in the Selkirk railyard, right next
 22 to Coeymans, I suppose for days at a time, before
 23 it makes its way several hundred miles away, using
 24 fossil fuels to get there, to some enormous

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 2 commercially run landfill.
 3 The other problem with the
 4 commercial guys is commercial guys make a hell of a
 5 lot of money off trash. They're not particularly
 6 motivated to take some of the recyclable materials
 7 that are not quite as profitable. And Dominick and
 8 I have this conversation a lot. Right now the
 9 market for recyclables, trashed. I mean, it
 10 literally dropped with the manufacturing. China
 11 was probably one of our biggest markets for
 12 recyclable materials. So that market dropped. Now
 13 the big boys, the conglomerates, they will still --
 14 they would love to take our trash at what, a
 15 hundred dollars a ton, maybe a hundred and fifty
 16 dollars a ton. Are they going to recycle our
 17 number three through seven plastics? I doubt it
 18 because they aren't going to make much money off of
 19 it. Are they going to take our hazardous waste,
 20 our -- our energy-efficient light bulbs that
 21 contain mercury? I doubt it, because they're not
 22 going to make much money off of that. Are they
 23 going to take our old computers? I doubt it,
 24 because they're not going to make much money off of

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 2 that either.
 3 So what's the solution? I think
 4 there are some long-range solutions, but those
 5 long-range solutions are in the macro. Those
 6 long-range solutions are regional. I agree with
 7 Dominick. I think we need a regional authority for
 8 handling waste.
 9 And I think Colonie -- I mean,
 10 how many years do you have left in Colonie, maybe
 11 fifteen or twenty in your landfill?
 12 My point is, we're all in this
 13 together, all of us, whether we're from Colonie,
 14 the Village, the town, Guilderland, the city, or
 15 any of our consortium members. We're all in this
 16 together, and we have to figure out long-range
 17 solutions, and they involve the state D.E.C.
 18 You know, when I -- I became
 19 chairman of the general services committee four
 20 years -- three and a half years ago -- three years
 21 ago. And at that time I had an interest in
 22 landfill, wanted to know what the hell was going on
 23 with it, so I went on the D.E.C. Web site at that
 24 time, and it said landfill is the preferred method

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 2 of handling solid waste. Well, that was the
 3 culture we were operating in. And by the way,
 4 that's when Albany -- 2005, that's when Albany
 5 filed its current -- or started discussions on its
 6 current application, under an old, and probably
 7 archaic, set of rules.
 8 The new administration came in
 9 and you will not find that on the Web site now.
 10 The Web site -- the people on the D.E.C. Web site,
 11 you will see something called "Beyond Solid Waste."
 12 And it was a presentation that was given at the
 13 solid waste industrial conference held up in Lake
 14 George. And then Lynne got the presentation down
 15 at the Friends of Pine Bush, and then we also
 16 invited -- that presentation was given to the city
 17 council. It is loaded with wonderful ideas,
 18 absolutely essential ideas, and one of them is a
 19 bigger, better Bottle Bill. I mean, we have an
 20 archaic Bottle Bill that pays -- that underpays for
 21 the few containers that it accepts, carbonated
 22 beverages and beer, that's it, and yet that's
 23 probably only ten percent of the beverage
 24 containers which we drink out of. There's no

15 (Pages 54 to 57)

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1
2 reason why we shouldn't have a comprehensive bottle
3 bill that would eliminate a tremendous amount of
4 the waste that we, as municipalities, have to
5 handle. There would be a financial motivation to
6 the consumer, which is the way it should be. And
7 why hasn't that passed? Well read the book "Gone
8 Tomorrow." It hasn't passed. It's been on the
9 books -- it's been advocated for a decade, probably
10 for two decades, but it hasn't passed because of
11 the retail industry lobby, and because of the
12 packaging industry lobby, approaching our state
13 legislators who have caved in to this day. So it's
14 on the Web site as a smart thing to do, but it's
15 not law yet.

16 The other thing is flow control.
17 And flow control means that you have municipalities
18 that get together, something like the ANSWERS
19 consortium, but it probably as to be a legally
20 tighter entity. And they mandate that the
21 municipal trash goes to certain places. So when
22 B.F.I. says well, it's not profitable to take those
23 computers or those light bulbs with mercury, or
24 those other things that don't have -- those

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1
2 recyclables, number -- plastics number four to
3 seven, flow control mandates that they all go to a
4 source. And although you may make some money on
5 the normal solid waste, you're going to lose it on
6 some of the recyclables, so it's going to be a
7 wash. You're going to take everything with flow
8 control, and not be dependent on waste management
9 or B.F.I. or County Waste or one of the big
10 conglomerates, who are only interested in making a
11 hell of a lot of money.

12 The other point is -- and the
13 other thing, which is on the Web site now, which
14 also has to be legislated, is a packaging tax,
15 either for the manufacturer or for the first
16 importer. Now what a packaging tax would do is
17 they would pay a tax, and it would be like the
18 gasoline tax. It would go into a dedicated fund.
19 The gasoline tax builds highways for better or for
20 worse. A packaging tax would go into a dedicated
21 fund that would support the localities in handling
22 their municipal waste, because these long-term
23 solutions are going to cost a lot of money.
24 Dominick spoke about -- or I think it was Dominick,

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1
2 or maybe it was one of the previous speakers, had
3 spoken about separating edible waste, because
4 that's what stinks. And you can't, you know, like
5 the city of Albany separates its leaves to compost
6 them; it can't compost waste -- edible waste in the
7 same fashion. It would become rat heaven. It
8 requires a large, expensive vesselized container.
9 They do it in Europe, they do it in Germany, but
10 you need that initial heavy investment of money.
11 Does the city of Albany have it? We don't, we're
12 absolutely strapped. Our budget is one million
13 dollars less this year.

14 The other thing I want to go into
15 is a little bit of the history of -- Albany lived
16 off of its landfill. That's absolutely true and is
17 it maybe obscene that a municipality has to extract
18 a profit from its landfill in order to make ends
19 meet? Well, it probably is, but why is that true?
20 That's true because Albany has more than fifty
21 percent of the value of its property tax exempt.
22 Colonie has less than seventeen percent of the
23 value of its land tax exempt.

24 We need some global solutions.

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2 This is not just a solid-waste problem, it's a
3 how-do-we-live problem. And you know, I'm
4 conflicted. I'm supporting -- I'm asking D.E.C. to
5 grant us the expansion. You know, one of the other
6 points, and -- and I did read Lynne's column on
7 Thanksgiving, and it's unfortunate the way the city
8 budget presented itself, because I know where Lynne
9 got the figure of forty-one million dollars as
10 being the cost of the landfill expansion, and I
11 think she said it was something like a -- what --
12 what was the expression a Prinzos --

13 FROM THE FLOOR: Ponzi.

14 MR. O'BRIEN: -- a Ponzi scheme.
15 And supposedly, if you're thinking that all
16 forty-one million is going towards expanding the
17 landfill, you're probably right. But in fact,
18 that's the way -- the one line in our budget of
19 five-year capital expenses, unfortunately it reads
20 landfill expansion. But it -- but the landfill
21 expansion part of it is really twelve million
22 dollars, which is somewhere around twenty-six
23 percent of that forty-one million dollars. The
24 restoration part of it is well over fifteen

16 (Pages 58 to 61)

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 2 million, if you add in all the costs of the final
 3 capping closure, which are environmental costs. So
 4 the restoration is at least thirty-six percent of
 5 that forty-one million dollars.
 6 So, I don't think it's a Ponzi
 7 scheme, because the restoration is going to outlive
 8 every one of us. Every one of us in this room is
 9 going to be dead when the benefits of that
 10 restoration are still alive. And in fact, if I
 11 lived in a perfect world, I would like to think
 12 that when my great grandchildren, or somebody
 13 else's great grand children who don't live in the
 14 Capital District now, come in and look at that
 15 restoration, maybe they'll say gosh it's just
 16 beautiful the way they were able to preserve this
 17 and keep it as it always was, not knowing that it
 18 was restored.
 19 That probably won't happen, but
 20 what I do hope is that our grandchildren, or our
 21 legacy will say, you know, maybe 2009 can be the
 22 year when our state legislature takes on the
 23 lobbyists, and passes the necessary legislation to
 24 enact the plan to make regional and statewide

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 2 take it? And that's two hundred miles away, and I
 3 suspect that costs more than the one point whatever
 4 million.
 5 Even if it cost nothing -- even
 6 if it costs nothing to send it to Seneca, is that
 7 the environmentally smart thing to do, to have
 8 what, forty-five, fifty tractor-trailers a day?
 9 Just from Albany, not the other communities. The
 10 state of New York would have its tractor-trailers,
 11 the University would, the town of Bethlehem would,
 12 the town of Guilderland would, all the other towns
 13 which participate. Even if it costs nothing to use
 14 that commercial Seneca Landfill, is that the smart
 15 thing to do? Put it on trucks and send it hundreds
 16 of miles away? I don't think so. I think we need
 17 a local solution.
 18 You know, I just want to end with
 19 a couple of thoughts. How do you -- you know,
 20 Albany is probably the first municipality in this
 21 new -- that puts its application in, and the new,
 22 wiser administration is on board to handle it. So
 23 in a sense, Albany is kind of the guinea pig. But
 24 is tiny Albany, ninety-five-thousand-population

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 2 solid-waste-management sense. Because New York is
 3 now a solid-waste exporter, about ten million tons
 4 a year. Now granted, New York City is the biggest
 5 contributor to that, but they are part of New York
 6 State.
 7 And the other thing is, I think,
 8 as of January 20th, 2009, the shackles will come
 9 off of the Environmental Protection Agency, and
 10 they will get involved in some smart planning for
 11 the whole nation, which will help us, and probably
 12 start giving us some money to help us do this.
 13 There's probably things I'm
 14 forgetting to say. The bottom line is I think
 15 we're in between a rock and a hard place. I am
 16 recommending, asking, because I really -- and you
 17 know, I'm not hear to apologize for the past
 18 twenty-five years or thirty years or however, since
 19 Mayor Corning first started the landfill. I'm not
 20 here to say that every year was spent smartly
 21 planning the future. I don't think it was. But
 22 the dilemma we're in right now is, are we going to
 23 just basically send our stuff out to Seneca, which
 24 is the nearest commercial landfill that's going to

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 2 Albany, is that going to somehow being able to set
 3 standard by itself for how to wisely manage solid
 4 waste? I don't think so. To me that's kind of
 5 like going to the mom and pop store and saying well
 6 mom and pop store, we want you to be the leaders in
 7 living wages, healthcare benefits to your
 8 employees, and a nice solid retirement system,
 9 while letting Wal-Mart off scot-free.
 10 Finally, I'm just going to say
 11 I'm going to give you my written presentation, and
 12 I also have a statement from one of our
 13 neighborhood associations, the Shaker Park
 14 Neighborhood Association, and I also -- there was a
 15 letter that was signed by eleven of our fifteen
 16 council members, in support of the landfill
 17 expansion, which I will give to you.
 18 Thank you.
 19 A.L.J. CASUTTO: Thank you.
 20 All right. The next speaker is
 21 village of Colonie Deputy Mayor Tom Tobin.
 22 MR. TOBIN: Thank you.
 23 How do you do? Can you hear me
 24 okay? I just have a few issues. My -- one is we

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 2 often hear the phrase, in the paper and about, that
 3 we want to fix the problem so it doesn't happen
 4 again. My request is that we be proactive here and
 5 fix the smell problem ahead of time, be prepared
 6 for it ahead of time. Put procedures in place so
 7 that the smell problem does not happen. And if it
 8 does happen, have something in place so you can fix
 9 it quickly. And that procedure should not be that
 10 we have to have fifty village residents call and
 11 give the dates and the times of the smell. There
 12 should be someone at that landfill that can figure
 13 that out ahead of time. We've been through that,
 14 that's not the way to go.
 15 The second, this is not totally
 16 just about Not In My Back Yard. You're a big
 17 neighbor in our backyard, this landfill. All we're
 18 asking is that you be a responsible, smell-less
 19 neighbor is what we want.
 20 Lastly, I'd like to mention -- we
 21 saw it -- we heard a lot and I saw it in the paper
 22 today about restoration of the Pine Bush. That's
 23 very nice, you do a fine restoration. But if you
 24 have a foul smell flowing over that restoration,

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 2 specifically detailing a lot of the -- the aspects
 3 that were talked about here tonight. But I just
 4 wanted to touch on a few things.
 5 Number one: I wanted to say
 6 thank you to the city and their consultants for
 7 working with the Commission, trying to come up with
 8 a proposal to meet some of our needs and minimizing
 9 impacts.
 10 That said, we don't support this
 11 proposal. We don't support an expansion. But I
 12 would have to say that in looking at the
 13 alternatives that have been presented before us;
 14 this is the best of what we've seen so far.
 15 Specifically, there's a few
 16 points I'd like to make for the record. There's
 17 going to be a loss of habitat. The restoration
 18 project is -- is fantastic, if it works. And
 19 they're working with a company -- the city is
 20 working with a company, Applied Ecological
 21 Services, which is one of the top-notch companies.
 22 But one of the things we want to see is some
 23 assurance that -- some guarantee that it will work.
 24 Can we guarantee that? Probably not. But can we

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 2 what good is that restoration? I don't see the
 3 very good money invested there, if you still have
 4 this foul smell. You mentioned in your display up
 5 here about the air testing. You can ask many
 6 village residents, it doesn't pass the smell test
 7 on many nights in the village -- it just doesn't do
 8 it.
 9 So all I'm asking that is if you
 10 go ahead and approve this, please put procedures in
 11 place to address the odor and the smell problems.
 12 A.L.J. CASUTTO: The next speaker
 13 is Chris Hawver, Albany Pine Bush Commission
 14 executive director.
 15 MR. HAWVER: I'm not an elected
 16 leader, just for the record.
 17 FROM THE FLOOR: Speak up.
 18 MR. HAWVER: Can you hear me now?
 19 FROM THE FLOOR: Yeah.
 20 MR. HAWVER: I'm not an elected
 21 leader, just so you know that. I'm the executive
 22 director of the Albany Pine Bush Commission. My
 23 name's Chris Hawver. We will be submitting formal
 24 written comments for the deadline by the 15th,

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 2 guarantee that the funding is in place to make that
 3 happen? We can do that. So we'd want to see some
 4 sort of bonding in place to make sure that the
 5 restoration actually takes place.
 6 Some of the habitat that's going
 7 to be lost; we're looking at fifteen acres.
 8 Thirteen acres of that is -- is property that's
 9 recommended for full protection as part of the Pine
 10 Bush Preserve. Typically, any development project
 11 within the Pine Bush Preserve, we recommend a
 12 replacement of two to one to replace those lands.
 13 Also, there's an easement -- there's an easement
 14 for public access that's held by D.E.C. That's
 15 also acreage that should be replaced two to one.
 16 Replaced at a similar economic, or more
 17 importantly, ecological value, to give back to the
 18 preserve.
 19 Within the D.E.I.S., there is a
 20 statement about transferring of the deed of
 21 city-owned lands that are dedicated to the
 22 preserve, that surround the landfill now. That's a
 23 good idea. If we don't do that, we need to put an
 24 Article 49 conservation easement on those lands, so

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 2 we don't see any more proposals for the landfill to
 3 expand into the Pine Bush.
 4 Overall impacts: With an
 5 expansion, it's our experience there's going to be
 6 more impacts. There's going to be visual impacts,
 7 there's going to be noise, there's going to be
 8 odor, and there's going to be impacts to our
 9 visitors. Many of you may have seen our new
 10 Discovery Center on 155. We're trying to bring
 11 more people to the Pine Bush to see what we're
 12 doing, to learn about the Pine Bush. A lot of
 13 school groups are coming here. A lot of school
 14 groups from the inner cities, who -- who have never
 15 been exposed to the environment. We want them to
 16 have a good experience. And there's going to be
 17 impacts associated with this landfill expansion.
 18 There's going to be impacts
 19 associated with the species that we're trying to
 20 protect and promote. In the past the city has
 21 provided mitigation in the form of tipping fees.
 22 That's based -- been based on a per-ton basis.
 23 It's been as much as a dollar thirty-three per ton.
 24 The last expansion, the P-four expansion, back in

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 2 minutes. I'll call two names at a time. The first
 3 person should come up directly to the podium. The
 4 second person can come up and sit in the front row
 5 in an empty seat, so that you can quickly take the
 6 podium when the previous comment is -- commentor is
 7 completed.
 8 So the next speaker is Peter
 9 Henner. Mr. Henner is the counsel for Save the
 10 Pine Bush. Following Mr. Henner, we will hear from
 11 Carm Privitera.
 12 MR. HENNER: Okay. I'm not an
 13 elected official either, but I'd like to start
 14 by -- as a preface to my remarks by quoting an
 15 elected official during his famous campaign.
 16 President Reagan, "There he goes again." In 1990
 17 then D.E.C. Commissioner Jorling said in approving
 18 the last -- the -- the -- the second expansion of
 19 the landfill, that this would be the last time
 20 that -- that the city of Albany would be allowed to
 21 expand the landfill.
 22 In 1997 and in 2000 we had the
 23 wedge and the P-four expansion.
 24 Here we are again, 2008.

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 2 2000 it was reduced to fifty cents per ton. Our
 3 recommendation would be a clearer standard. Have
 4 it be based on a percentage of the gross volume
 5 that comes in or the gross revenues that come in to
 6 the preserve -- or not to the preserve, to the
 7 landfill. So that's a clearer standard, and our
 8 recommendation would it -- that it -- would be that
 9 it would be between three and four percent.
 10 And then finally, with the
 11 restoration plan, we would want to see that --
 12 again, that there's some assurance that that
 13 restoration plan will take place, that the
 14 funding's in place, and that we would be part of a
 15 team -- a restoration management team with D.E.C.,
 16 to oversee and help make sure that that -- that
 17 plan is -- is put in place appropriately.
 18 Thanks.
 19 A.L.J. CASUTTO: Thank you.
 20 All right. We will now turn to
 21 comments from members of the public. I have many
 22 speaker registration cards, so as a courtesy to
 23 your neighbors who are also waiting to be heard,
 24 I'm going to limit the oral statements to five

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 2 Before going -- before going
 3 into -- into the -- I'm -- I'm not going to talk
 4 about the -- is this working okay. Can everyone
 5 hear me? Okay.
 6 FROM THE FLOOR: You have to be
 7 right up close to it.
 8 MR. HENNER: Okay. I'm not going
 9 to talk about the various substantive reasons why
 10 the landfill is bad -- the expansion is bad, why it
 11 should be opposed. You'll hear plenty of that.
 12 You've known -- I think I probably -- a lot of
 13 people here already know that. It will be in the
 14 record. A lot of people -- I -- I do want to talk
 15 about -- I want to talk about the procedure, what
 16 D.E.C. is doing, how they're doing it. And I also
 17 want to talk a little bit about the regulatory
 18 issues that are involved in this.
 19 I'm going to ask D.E.C., and this
 20 will be in a letter that I will send to D.E.C.
 21 tomorrow or Friday, in addition to any formal
 22 comments, to do one of the -- one or -- one or both
 23 of the two following things: One, to extend the
 24 comment deadline, because even with the extension

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 2 of the comment deadline, given the amount of paper
 3 that we have to go through to review the documents,
 4 it simply is not enough time to get it done by
 5 December 15th. And that's especially true because
 6 we -- Save the Pine Bush has submitted a FOIL
 7 request, and we have been told by D.E.C. that we --
 8 they will respond to the FOIL request, and the
 9 response, which will be all of the documents
 10 relating to the application, which are not
 11 necessarily that -- documents that are part of the
 12 public documents, the documents that have been put
 13 on the Web site, but other documents that are still
 14 publicly available. We won't receive them until
 15 December 17th, which really means we won't get them
 16 until after Christmas, which really means we need
 17 an extended time to review them. So I'm going to
 18 ask for an extension of time until January 31st to
 19 extend the comment deadline.

20 The other thing I'm going to
 21 request from D.E.C., which is even greater
 22 importance, is to make a commitment with respect to
 23 the regulatory issues. Now, Mr. Clarke said that
 24 the application is complete for public review.

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 2 That's true, but it's also -- but it doesn't say
 3 the full story. When D.E.C. determines an
 4 application's complete for public review, what that
 5 means is D.E.C. has determined that all the
 6 regulatory issues that they are concerned with have
 7 been resolved to their satisfaction, and only if
 8 the public raises enough issues, or any issues,
 9 will there be any review of the process.

10 The problem with that, as we
 11 learned in 2000, when Save the Pine Bush submitted
 12 a twenty-three-page single-spaced letter,
 13 identifying all of the comments, and issues, and
 14 concerns, and I'm talking about regulatory issues,
 15 and we were told -- and we've -- and basically no
 16 hearing was conducted, we did not get any -- the
 17 D.E.C. staff subsequently determined this was
 18 sufficient, and grant -- and granted the permit.

19 What we need to do, in order
 20 to -- what we -- D.E.C. should do is, in
 21 identifying regulatory issues, it must be a
 22 transparent process. We -- I'm urge -- going to
 23 urge D.E.C. to make a commitment to -- at the
 24 conclusion of this process, to give us a further

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 2 opportunity to request a formal issues conference,
 3 and a formal opportunity for an adjudicatory
 4 hearing, at which we will -- we will submit
 5 information sufficient to comply with the
 6 regulatory standards for a formal adjudicatory
 7 hearing under Part 624. That will give us a chance
 8 to present the issues, what we need to be
 9 presented, and present them in a way that, if they
 10 are ultimately rejected, will have the -- the basis
 11 for the denial will be part of the record, and not
 12 just based on D.E.C. staff.

13 The issues that we want to
 14 present, particularly with regulatory issues --
 15 D.E.C. has requested -- or the city has requested,
 16 and D.E.C. has determined the application is
 17 complete, two variances from Part -- from the Part
 18 360 regulatory criteria. One with respect to the
 19 siting of a landfill over a primary aquifer. Now,
 20 in 19 -- in 2000 we submitted comments that this is
 21 not right. You don't have the authority to do it,
 22 and even if you do have the authority to do it, you
 23 shouldn't do it. There's no basis to vary that --
 24 for the variance of it. We didn't get a chance to

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 2 have that reviewed by a A.L.J., we simply had a
 3 decision made by D.E.C. staff, and it's -- we don't
 4 need to -- we can do it and that's it. We never
 5 got a chance to review and the court subsequently
 6 said well, D.E.C. said that, so we're going to go
 7 along with what D.E.C. said.

8 The second issue, minor --
 9 more -- of lesser importance but still important,
 10 it's still an issue where D.E.C. is proposing to
 11 grant a waiver from regulatory requirements, with
 12 respect to placement of cover over the -- the
 13 landfill. There's a waiver -- the -- the
 14 requirement is for twelve inches of daily cover.
 15 The federal requirement says a minimum of six
 16 inches. D.E.C. is proposed -- it's being proposed
 17 to have a temporary -- to have a different kind of
 18 cover, a spray-on cover. We think that's a -- that
 19 there's no basis for that -- for that variance from
 20 the regulation. We'd like an opportunity to
 21 present formal evidence before an adjudicatory
 22 hearing, to show what we can do. We don't want
 23 the -- to be precluded from a nontransparent
 24 process, by which a D.E.C. staff, in some anonymous

20 (Pages 74 to 77)

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 2 way, will simply say no, we didn't -- you didn't
 3 submit enough evidence.
 4 Now, one of the things that's
 5 happened with this, if you look through the records
 6 of the solid-waste process, how much tonnage has
 7 been presented, where the tonnage -- and what it
 8 is, you hear various numbers. The figure is
 9 usually three hundred and twenty-seven thousand
 10 tons per year. We had a lot of questions. There's
 11 a lot of issues, I don't have time to get into it,
 12 as to why -- what the numbers really are, we --
 13 something we really need to explore. But here's
 14 the thing -- under any scenario, there's no way
 15 that this -- that we are going to have the issue
 16 resolved in the next few years. Coeymans, which
 17 was originally sited in 1990s, now they're saying
 18 ten to twenty years. If you look for the
 19 S.D.E.I.S., it may never go on line. You're
 20 talking --
 21 A.L.J. CASUTTO: Mr. Henner, one
 22 more minute.
 23 MR. HENNER: One minute?
 24 A.L.J. CASUTTO: One more minute.

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 2 MR. HENNER: Okay. 2011, we're
 3 going -- before the planning process is -- is
 4 completed. What that means is, I said in the
 5 beginning, this is -- you know, here we go again.
 6 Guess what? This is not -- if this expansion is
 7 granted, this is not the last time we'll be here.
 8 We'll be here again in three or four years
 9 considering the fifth expansion. Because if
 10 Coeymans isn't ready, where are they going to go?
 11 They say everything is completed; maybe so. It's
 12 got to go somewhere. We'll be back talking about
 13 all the other alternatives that were rejected, and
 14 that's not right. Because we can only have one
 15 chance -- we only have one Pine Bush, and it's --
 16 it's not a question of just because of the city's
 17 needs; it's a question of protecting the Pine
 18 Bush -- protecting the Pine Bush, and do we
 19 sacrifice the Pine Bush permanently, just for three
 20 or four years of additional capacity? I -- I -- I
 21 suggest strongly the answer should be no.
 22 Thank you.
 23 A.L.J. CASUTTO: Thank you.
 24 The next speaker is Carm

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 2 Privitera. Following Mr. Privitera, Marion Kuritz.
 3 MR. PRIVITERA: First of all, can
 4 you hear me?
 5 FROM THE FLOOR: Yes.
 6 MR. PRIVITERA: Good. Secondly,
 7 I think we should take thirty seconds and stand up
 8 and stretch.
 9 FROM THE FLOOR: Thank you.
 10 MR. PRIVITERA: That's the first
 11 time any -- anyone's paid attention to me in ten
 12 years. I'm Carm Privitera, professor emeritus of
 13 biological sciences.
 14 FROM THE FLOOR: Talk into the
 15 mic.
 16 MR. PRIVITERA: -- at the State
 17 University of New York at Buffalo.
 18 FROM THE FLOOR: Hold the mic to
 19 your --
 20 MR. PRIVITERA: Still having
 21 trouble.
 22 FROM THE FLOOR: Right.
 23 MR. PRIVITERA: Is that better?
 24 FROM THE FLOOR: Yeah.

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 2 FROM THE FLOOR: That's better.
 3 MR. PRIVITERA: All right. Thank
 4 you.
 5 I live at Avila, a retirement
 6 community. We are Gray Panthers, and we are proud
 7 of it, they stand right there. Not only do they
 8 have gray hair, they've got brilliant minds.
 9 I'm interested in the Pine Bush,
 10 but I'm primarily interested in the preservation of
 11 the species homo sapiens.
 12 FROM THE FLOOR: Right. Yeah.
 13 MR. PRIVITERA: I'm here to speak
 14 primarily against the frivolities of mankind, with
 15 reference to municipal solid waste and landfill
 16 problems, and the lack of interest in humanitarian
 17 wellbeing. The flora and fauna of Pine Bush are
 18 important, but you and I are too. But you and I
 19 are culpable for this mess which we call the Albany
 20 landfill. Scan your neighborhood weekly. How much
 21 garbage is out there every week? Someone else, the
 22 gray-haired man. I'm sorry, I don't know your
 23 name, but I will, talked about five -- four or five
 24 pounds of garbage a week, and then some. Come over

21 (Pages 78 to 81)

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2 to Avila.
3 Einstein is quoted as having said
4 if he had one hour to save the world, he would
5 spend fifty-five minutes defining the problem and
6 only five minutes finding the solution. How long
7 are we going to continue with this garbage, all
8 kinds, vocal, and in landfill spaces? This -- this
9 forever attempted expansion of the landfill may
10 require a better understanding than we at all
11 understand, thinking we know so much.
12 We recognize the problem.
13 Eighteen million dollars a year, that's part of the
14 problem. But the problem far exceeds simplistic
15 views. Consider it for a minute. Municipal solid
16 wastes, then biodegradation, and then nonmethane
17 organic compounds, then hazardous air pollutants,
18 and then volatile organic compounds, releasing of
19 mercury. Remember the Mad Hatter? Ha-ha. And
20 then dioxins. And after dioxins, furins.
21 Do any of you here in presumed
22 authority understand what's going on? For
23 humanitarian needs need to be paid attention to.
24 A.L.J. CASUTO: Excuse me, Mr.

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2 Privitera.
3 MR. PRIVITERA: For example --
4 A.L.J. CASUTTO: One more minute.
5 MR. PRIVITERA: -- there is a
6 problem of susceptibility by human beings.
7 Number two, there are etiological
8 agents out there that we don't even know, causative
9 agents. Pay attention. Just because you don't
10 smell it in the air, doesn't mean there aren't
11 etiological agents that are going to cause serious
12 problems. How close do we need to have the smell,
13 or the lack of a smell in all kinds of dangers?
14 Look at it. Consider cancer
15 etiology, reproductive effects, neurotoxicity,
16 kidney and liver damage, endocrine disruption,
17 irritants, birth defects, pulmonary problems. Any
18 of you have pulmonary problems because of this
19 situation?
20 A.L.J. CASUTTO: Mr. Privitera,
21 please sum up, your time is up. Please sum up.
22 MR. PRIVITERA: After all, there
23 are calculated risks that go along with having a
24 landfill. So what if aquifers become contaminated

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2 drinking water down the line, because of battery
3 mercury, which is percolated through the landfill
4 to an aquifer which has not yet become recognized
5 as a contaminated aquifer. So what if toxic
6 substances, by way of interstitial percolation
7 through the landfill, has killed off the frog
8 population. That's part of what's going on. Have
9 you noticed how few there are, chirping frogs in
10 the spring of the year, compared to what there
11 were? They're not human, but they're part of this
12 restoration --
13 A.L.J. CASUTTO: Excuse me, Mr.
14 Privitera --
15 MR. PRIVITERA: -- of flora and
16 fauna. I'll be out in thirty seconds.
17 A.L.J. CASUTTO: Your time is up,
18 please sum up. Thank you.
19 MR. PRIVITERA: So, it's a
20 warning for us all. Is any one of our politically
21 elected representatives prepared to unequivocally,
22 without reservation whatsoever, chance it that
23 there's not even one nanoparticle that might get by
24 because of our close controls, and cause even one

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1
2 to two human deaths per year. Would it be worth
3 it? I say no.
4 A.L.J. CASUTTO: Thank you. All
5 right. The next speaker is Marion Kuritz.
6 Following Ms. Kuritz, Tom Ellis.
7 MS. KURITZ: Following Carm is a
8 tough act, let me tell you. I've followed him
9 before. I'm also a resident of Avila, and I thank
10 all my coresidents for joining us here today.
11 I am going to be very brief and
12 just say a couple of things. I have been on the
13 landfill committee since I have lived at Avila,
14 almost four years now. I've gone to Clough-Harbour
15 presentations many times. I've been to all those
16 good things. We've worked hard, I appreciate it.
17 However I have to agree one
18 hundred and ninety-nine percent with Dom Calsolaro,
19 what he has indicated, and what he has told you,
20 and what Carm has told you, my predecessor from
21 Avila as well, is absolutely true. What kind of
22 health environment are we living in? What kind of
23 health environment do you want to continue living
24 in? I don't want to leave this for your

22 (Pages 82 to 85)

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1
 2 grandchildren, nor your children. My kids don't
 3 happen to live here. My grandson lives in Dubai.
 4 I won't talk about that. That's a whole story.
 5 However I do want to say that, to
 6 sum this all up, it can come into one very small
 7 phrase. Have you heard of General Motors, Ford,
 8 Chrysler? What's going on with those guys? Don't
 9 they know how to manage their companies? What the
 10 hell's the matter? They want a buy-out? They want
 11 you and I to pay for their mismanagement of their
 12 companies that they couldn't see in advance, that
 13 there weren't going to be hybrid cars necessary and
 14 all that other good stuff? Why?
 15 Europe hasn't had a landfill
 16 since nearly the end of World War Two. That's a
 17 long time ago, honey. Well, where the hell have we
 18 been? What's our problem? Why don't we see this?
 19 It's time we woke up. And I don't really want to
 20 do a buy-out for the city of Albany, and I don't
 21 think the landfill is the right thing at this time.
 22 And I thank you very much. Thank
 23 you.
 24 A.L.J. CASUTTO: Thank you. The

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 2 next speaker is Tom Ellis. Following Mr. Ellis,
 3 Barbara Warren, who is the executive director of
 4 Citizen's Environmental Coalition. And following
 5 Ms. -- Ms. Warren, we'll have a brief recess.
 6 MR. ELLIS: Okay. Good evening
 7 everybody, my name is Tom Ellis. I live in Albany.
 8 I urge D.E.C. to quickly deny the application for
 9 the landfill enlargement. I'd also like to note
 10 for the record that when the mayor spoke here
 11 tonight, the mayor of Albany and the consultants
 12 from the city, this was the first time since the
 13 landfill application documents were put in to
 14 D.E.C. a few months ago that the city has made any
 15 presentation to the public. They refused to make a
 16 presentation where we could ask questions so that
 17 we could come here more prepared to know what we're
 18 talking about. So when the mayor of Albany talks
 19 about involving the public, he's full of it; okay?
 20 All right.
 21 In fact I hate to personalize it,
 22 because I've got nothing personal about Mr.
 23 Jennings, but Albany as a city isn't going to get
 24 serious about managing its solid waste in a

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 2 responsible, or even in a legal manner, until we
 3 have a new Mayor.
 4 New York State D.E.C. regulations
 5 and common sense say that landfills are not to be
 6 sited over primary or principle aquifers. The Rapp
 7 Road dump sits atop an aquifer. D.E.C. has evaded
 8 its regulations in the past when granting landfill
 9 enlargements. The D.E.C. has granted variances to
 10 its regulations to do so. I say no more aquifer
 11 variances for Albany. Three is three too many.
 12 The city has not presented a compelling reason for
 13 the requested variance. D.E.C. should protect the
 14 state's water resources, not the government of the
 15 city of Albany.
 16 This dump should have been closed
 17 a long time ago. When the first landfill
 18 enlargement was granted in 1990, D.E.C. knew from
 19 one of its own employees that the Karner Blue
 20 Butterfly had been seen on the proposed enlargement
 21 sector in each of the previous ten years. The
 22 Karner Blue Butterfly is a federally listed
 23 endangered species. That fact should have been
 24 sufficient to deny the dump enlargement

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 2 application. However what happened is I worked for
 3 the Save the Pine Bush attorney at that time.
 4 The -- the -- our expert witness submitted his
 5 testimony, then he got a job for D.E.C. He refused
 6 to testify. I was in the position where I --
 7 where -- where Save the Pine Bush was in the
 8 position where we had to subpoena our own expert
 9 witness to compel him to testify. He never -- he
 10 never said so, but we believe that he feared that
 11 he would lose his job if he presented the evidence
 12 at the D.E.C. hearing that he had documented seeing
 13 the Karner Blue Butterfly on the expansion site in
 14 each of the ten previous years.
 15 It's a disgrace that that type of
 16 a situation is allowed to happen in our government
 17 and I'm just outraged by it still. If the -- if he
 18 had been allowed to testify, this dump would have
 19 been closed in 1990 or 1991 and we wouldn't be here
 20 now, and Albany would be miles ahead of where it is
 21 now on solid-waste management.
 22 Albany's not serious about waste
 23 reduction, reuse, or recycling, nor is Albany --
 24 nor is Albany serious about educating the public

23 (Pages 86 to 89)

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1
2 about reduction, reuse, or recycling. The city
3 spends a pittance on solid-waste education. Now we
4 hear that the city and the planning unit is going
5 to hire a recycling coordinator at the beginning of
6 next year. Why didn't they do it twenty years ago?

7 Take a look at the -- take a look
8 at the pamphlet that the city provides to its
9 residents about solid-waste collection. The word
10 reduction does not appear in it, nor does the word
11 reuse. And I got this last Friday at City Hall, so
12 this is the latest version of it.

13 Albany's recent dump-related
14 documents mention that the city is considering
15 implementing a pay-as-you-throw program, in which
16 residents would be charged for trash disposal, as
17 is done in many other municipalities. There's
18 probably no single more effective way to quickly,
19 permanently, and considerably reduce volumes of
20 trash disposed than charging fees to do so.
21 Charging for trash disposal will motivate people to
22 rethink their purchasing decisions. Smart shoppers
23 will begin to avoid access packaging, and think
24 more seriously about avoiding items that cannot be

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1
2 composted, recycled, or reused. The initial
3 transition may be difficult and inconvenient, but
4 people will quickly adjust to minimize their -- to
5 minimize the fee. People will make an enhanced
6 effort to -- to give away reusable items.

7 Albany's reuse program is
8 pathetic. Everybody who walks, drives, rides or
9 wheel chairs around Albany on trash night can see
10 vast quantities of reusable items along the
11 streets. Some gets picked up by people looking for
12 free stuff, but much of it is -- is put into the
13 dump trucks, quickly compacted, and later dumped at
14 the Rapp Road dump. Why hasn't Albany created a
15 formal program of reuse, to assure that reusable
16 items find new homes instead of the dump?

17 Albany's recycling program is
18 widely acknowledged to be far from good or
19 excellent. Little commercial, industrial, or
20 institutional recycling occurs in the city. The
21 city provides little or no direction to businesses,
22 nonprofits, or schools about recycling.

23 A.L.J. CASUTTO: One more minute.

24 MR. ELLIS: All right. Just as

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2 some proof that Albany isn't serious about
3 recycling, these are some photos that were taken at
4 the Tulip Festival on May 11th this year. Okay.
5 This is the premier party that the city of Albany
6 holds. You'd think that with tens of thousands of
7 visitors in Albany, the city would want to put on a
8 good display, but this is the -- this is on Sunday,
9 May 11th. Here's another photo. You know, Albany
10 isn't serious about it; okay?

11 Albany -- Albany -- Albany
12 reminds me of a lazy student who wants passing
13 grades but refuses to do the work necessary to
14 achieve passing grades. Each --

15 A.L.J. CASUTO: Please sum up.

16 MR. ELLIS: -- each quarter on
17 the day before grades are due, Albany begs the
18 teacher for a passing grade, promising to do
19 better, but then refuses to stay after school for
20 extra tutoring, or to make up the missed work.
21 D.E.C., being a weak-willed teacher, enables Albany
22 to slide by. But now it is the end of the school
23 year, regents exams were yesterday, and Albany is
24 still the same lazy,

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2 doing-less-than-the-minimum-to-get -- to-pass
3 student it has been all year long. Albany has
4 earned a failing grade and its time for D.E.C. to
5 issue it.

6 And one final point I want to
7 make is that the city of Albany poisoned the people
8 in the village of Colonie and in the -- and in
9 Guilderland for five or six years with noxious dump
10 odors. What gives one municipality the right to
11 poison another? Albany was in violation of its
12 permit for years.

13 A.L.J. CASUTTO: Thank you.

14 MR. ELLIS: And that's --

15 Albany's been in violation of its permit with the
16 dump owners for most of the time since it got its
17 last landfill expansion. That's reason enough, by
18 itself, to deny a landfill expansion.

19 Thanks very much.

20 A.L.J. CASUTTO: Thank you. All
21 right. The next speaker is Barbara Warren,
22 executive director of Citizen's Environmental
23 Coalition.

24 MS. WARREN: Good evening.

24 (Pages 90 to 93)

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 2 A.L.J. CASUTTO: Thank you.
 3 MS. WARREN: The proposal for a
 4 newer landfill -- a new landfill in the Albany Pine
 5 Bush, in a unique and rare ecological area,
 6 violates federal and state laws and regulations.
 7 The stated mission of the Department of
 8 Environmental Conservation, to act as a steward of
 9 the environment and basic common sense. Lateral
 10 expansions, which this is, of existing landfills
 11 are treated as new landfills under federal and
 12 state requirements. New landfills cannot be sited
 13 over primary aquifers. They are prohibited from
 14 being sited where there are wetlands and endangered
 15 or threatened species. They must be sited where
 16 the underlying soils are sufficiently stable to
 17 support the landfill.
 18 This proposal for this new
 19 landfill cannot meet these definite requirements.
 20 When a landfill is found to be leeching
 21 contaminants, it is supposed to enter a corrective
 22 remediation phase to evaluate the extent of
 23 contamination and appropriate remedies. All
 24 measures, including cessation of garbage disposal,

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 2 public meeting to explain their proposal to the
 3 general public, and to allow questions regarding
 4 the extremely dense and confusing materials
 5 contained in the application and the solid waste
 6 modification. Given the enormity of the issues
 7 associated with this application, the D.E.C. could
 8 have insisted on this, rather -- on us having a
 9 public meeting, rather than move immediately to
 10 formal hearings.
 11 In addition, the state D.E.C.
 12 issued a draft solid waste permitting policy this
 13 past summer, which is relevant to the processing of
 14 the permit for this landfill, but it has not yet
 15 been finalized. We commented, along with a number
 16 of environmental organizations, August 12th --
 17 August 12th; it still has not been finalized. Why
 18 was that policy not finalized before allowing this
 19 permit application to move forward? This new
 20 proposed D.E.C. policy is in direct conflict with
 21 solid-waste management as undertaken by the city of
 22 Albany. Why is D.E.C. allowing this permit to
 23 proceed prior to finalizing that policy?
 24 We've attached, Judge, a copy of

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 2 are to be considered. Despite the fact that the
 3 city of Albany never implemented its own local
 4 solid-waste-management plan, and never built the
 5 planned recycling processing facility, the city of
 6 Albany now claims an emergency. It proposes to
 7 dump more garbage in this unique, rare ecological
 8 area, and build the mound to four hundred and
 9 seventy feet, even using petroleum-contaminated
 10 soils for cover material, which will lead to
 11 contaminants running into wetlands surrounding the
 12 site.
 13 Not only is this avocation
 14 inconsistent with Commissioner Grannis' mission
 15 statement and -- and his issued priorities, but
 16 there are some notable process problems associated
 17 with this application. This huge application,
 18 consisting of thousands of pages, encompasses three
 19 distinct pieces: an environmental impact statement,
 20 a modification to the local solid-waste-management
 21 plan, and several distinct permits. The size of
 22 the files made it impossible for even those with
 23 D.S.L. lines to download.
 24 The city of Albany never held a

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 2 that draft policy for your review.
 3 D.E.C. also admits that the draft
 4 solid waste permit has not been written by D.E.C.,
 5 yet. Therefore, there is no draft permit for the
 6 public to comment on, no special conditions, et
 7 cetera. No permit should be written for this
 8 proposal. We oppose it. But if there is one in
 9 the future, there must be an additional public
 10 comment period for that.
 11 We recommend, and these
 12 alternatives were not studied in the E.I.S. Some
 13 alternatives you obviously missed. Albany should
 14 raise the commercial tip fees to the full
 15 replacement cost of landfill space, ninety dollars
 16 per ton. When New York City raised the tip fees
 17 for commercials carters at Fresh Kills Landfill on
 18 Staten Island, to reflect the true replacement cost
 19 of landfill space, thirteen thousand tons of daily
 20 garbage disappeared overnight. I know a lot about
 21 Fresh Kills. I lead the charge to close Fresh
 22 Kills landfill, and -- and I just want to make sure
 23 that you understand D.E.C. did not close that
 24 landfill, the public did. We became organized. We

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 2 became mobilized. And we closed that landfill when
 3 the city was planning on dumping another
 4 eighty-seven million tons of garbage into that
 5 landfill. And that too experienced the same kind
 6 of oversight that you've experienced: repeated
 7 expansions, repeated permission to continue doing
 8 what they were doing, in -- into tidal wetlands.
 9 Three thousand acres of wetlands were destroyed.
 10 Using the existing Rapp Road
 11 landfill for Albany-only residential garbage, and
 12 expanding waste reduction and recycling, is the
 13 best strategy to use the remaining capacity at the
 14 existing landfill. And -- and we're happy to be
 15 here tonight to support Save the Pine Bush in their
 16 effort.
 17 And -- and we'd like to urge you
 18 to deny this new landfill permit; and your landfill
 19 application is incomplete. You don't have a
 20 stability demonstration in there, that I saw, and I
 21 suppose I may have missed it in the five thousand
 22 pages, but we do see missing items in that
 23 application.
 24 Thank you.

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 2 pointed out.
 3 I would have to tell you that if
 4 D.E.C. approves this expansion, that you will be
 5 helping bankrupt Albany. The landfill is not a
 6 great moneymaker like everyone tells you it is.
 7 When all the expenses have been deducted, you'll
 8 see that it only made two point nine five million
 9 dollars in 2007. Now, that is two point nine five
 10 million dollars. But they want to bond forty-one
 11 million dollars, and then there's debt service on
 12 top of that, which might push it up to sixty
 13 million dollars. No way, in six and a half years,
 14 at three to five million dollars a year, in profit
 15 can they possibly repay that debt. If D.E.C.
 16 allows this expansion, they're going to allow the
 17 city of Albany to impose a huge tax upon their
 18 residents, to repay the bonding for this expansion.
 19 There are several issues. I'd
 20 like to stick with mostly the -- the financial
 21 issues here, though. We've seen no attempt since
 22 this was first learned that they'd be needing a new
 23 expansion or a new landfill site, or that they --
 24 no one here has addressed why the landfill - and

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 2 A.L.J. CASUTTO: Thank you.
 3 All right. It is now about eight forty-five.
 4 We'll take a brief break for about five minutes and
 5 then come back and continue.
 6 Thank you very much.
 7 (Off-the-record discussion)
 8 A.L.J. CASUTTO: All right. The
 9 next speaker is Jim Travers. Jim Travers, Selkirk,
 10 Coeymans, Ravena against Pollution, SCRAP.
 11 Following Mr. Travers, Lynne
 12 Jackson.
 13 Jim Travers?
 14 MR. TRAVERS: Yes.
 15 A.L.J. CASUTTO: Okay. There --
 16 there he is.
 17 MR. TRAVERS: I'd like to thank
 18 you for this opportunity to address the landfill
 19 expansion. And I would want to ask as an
 20 administrative law judge that you separate the
 21 regional solid-waste plan out from this
 22 application, because the public has not had a
 23 chance to have it reviewed adequately. And there
 24 has been no public presentation, as Mr. Ellis

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 2 D.E.C. has been silent on this too - why the
 3 landfill closed, or is filled to capacity six years
 4 sooner than the expected date of 2015? If someone
 5 could address that. I -- I would suspect that some
 6 trucks might have missed the scales. But I don't
 7 know.
 8 Right now Albany, in -- in the
 9 future plan, Albany will be dumping a hundred and
 10 forty tons of garbage a day. The ANSWERS
 11 Consortium Communities together, those thirteen
 12 communities that were mentioned, will be dumping a
 13 hundred and twenty-five tons a day. Together
 14 that's two hundred and sixty-five tons. Yet the
 15 large haulers, hauling garbage from out of state or
 16 who knows where, Long Island we had here a couple
 17 of years ago, is going to be permitted to dump six
 18 hundred and fifty tons a day.
 19 Now, that's not serving the
 20 ANSWERS Consortium. That's serving some other
 21 communities far and distant. There's been no
 22 attempt to reduce foreign import of waste into this
 23 landfill. Albany has done nothing at all to
 24 conserve their landfill space. They have tried to

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 2 maximize their dollars, and they're doing the same
 3 thing, and they're going to do it again if you give
 4 them this permission. It's not just to serve
 5 Albany, or the ANSWERS Consortium. That's a
 6 fallacy. It's to make money. But who's making
 7 that money? We're only seeing two point nine five
 8 million dollars out of this. And do you want to
 9 wind up thirty million dollars in debt in six and a
 10 half years from now, with a
 11 four-hundred-and-seventy-five-foot pile of garbage?
 12 Why? Why would you let a city do that to
 13 themselves?
 14 This is a principal aquifer. And
 15 for as other people have said already tonight,
 16 unless D.E.C. issues a variance, unless the
 17 landfill has so poisoned this aquifer already that
 18 no further harm will come to it, this
 19 four-hundred-and-seventy-foot tall pile of garbage,
 20 on these sandy soils, will subside, will sink into
 21 the aquifer. It will sink down under the water
 22 table, so the water table will then rise above the
 23 landfill line r and flood the cell. This cannot be
 24 permitted.

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 2 into a green-jobs program for recycling. For
 3 organic wastes, for organic or anaerobic digestion
 4 of organic wastes. Albany's not done anything to
 5 change their ways. It would be foolish for D.E.C.
 6 to permit this landfill expansion.
 7 And lastly, about the Coeymans
 8 land. The Coeymans land is not eighty acres of
 9 wetlands. It's one hundred and one and a half
 10 acres, which is the limit of the Army Corps. of
 11 Engineers jurisdictional limitations. But clearly
 12 half of the three hundred and sixty-three acres of
 13 land in Coeymans is wetlands. Don't be misled by
 14 that. Not only that, there's a Karner Blue
 15 Butterfly population living there. I've seen them
 16 with my own eyes. This is not a fallacy. It needs
 17 to be investigated.
 18 And why has D.E.C. not, as lead
 19 agency, pushed the city of Albany for a D.E.I.S.,
 20 in fourteen years on the Coeymans site?
 21 Thank you.
 22 A.L.J. CASUTTO: The next speaker
 23 is Lynne Jackson. Following Ms. Jackson, Frank
 24 Prevratil.

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 2 A.L.J. CASUTO: One more minute.
 3 MR. TRAVERS: A couple of years
 4 ago the city of Albany got a recycling grant for a
 5 hundred and eighty thousand dollars. The year
 6 after that, another twenty thousand dollars.
 7 That's two hundred thousand dollars. And do you
 8 know what we got? We got an optional green bin
 9 that they announced last week.
 10 When the odors were such an
 11 issue, when they were fined for creating such
 12 odors, Clough-Harbour, who runs the city's Web site
 13 for the landfill, decided it would be wise to take
 14 the odor-complaint hotline number off the Web site,
 15 which they did. And the counsel to that committee
 16 found out about it and they ordered it back on.
 17 Well, you know what? It came back on that front
 18 page this past week or two. It wasn't there a
 19 month ago.
 20 We've seen a lot of deception
 21 here. Reduction, reuse, recycling, green
 22 technologies can come in. The men who work at the
 23 landfill, were it to close, don't need to lose
 24 their jobs. They could be transferred laterally

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 2 MS. JACKSON: Good evening, my
 3 name is Lynne Jackson. I live in 223 South Swan
 4 Street in Albany. That is in Albany's south end.
 5 I am a volunteer for the organization called Save
 6 the Pine Bush. Please do not confuse us with the
 7 Discovery Center. Save the Pine Bush is the
 8 all-volunteer citizens organization that litigates
 9 over proposed developments in the Pine Bush.
 10 I'd like to begin, the city of
 11 Albany's proposing to spend forty-one million
 12 dollars over five years, six and a half years or
 13 so, on capital expense for the new landfill
 14 expansion. To put this in perspective, I would
 15 like to say that there are people in this world who
 16 are so poor they eat crumbs of bread. To quote, in
 17 his book "Son of Mountains," Yasin Aref said,
 18 quote, "My mother, whenever she saw a tiny piece of
 19 bread on the floor, would quickly pick it up and
 20 say, 'I ask God's forgiveness for this impiety.'
 21 Then she would kiss the crumb of bread and eat it."
 22 There's something really wrong
 23 here when we spend forty-one million dollars to
 24 bury our garbage, yet some people are so poor they

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 2 eat crumbs of bread off the floor. The city needs
 3 to adopt a rational solid-waste policy that does --
 4 does not include importing garbage to balance the
 5 city budget. Only nine percent of the garbage in
 6 the landfill comes from the city of Albany.

7 In 1999, Commissioner Jorling
 8 said, and I quote, he stated, "I cannot envision
 9 any set of circumstances that would justify the
 10 extension of the life of this interim," that was an
 11 interim landfill, "or the approval of another such
 12 facility in any other part of the Pine Bush." That
 13 was eighteen years ago. I feel that this promise
 14 has been violated.

15 It is illegal to build a landfill
 16 on top of a principal aquifer. The Pine Bush is a
 17 principal aquifer.

18 In addition the city of Albany,
 19 to balance its books a few years ago, they sold or
 20 leased the Six Mile Waterworks to the Albany Water
 21 Department for its backup water system. So, right
 22 now this new landfill expansion, I mean, we already
 23 know the old unlined landfill, the original
 24 landfill, that that water, that leachate is going

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 2 only once and throw them away? Garbage is a
 3 resource. It is a resource. And we should
 4 conserve it.

5 And I support Dominick
 6 Calsolaro's idea of having a resource-recovery
 7 park, because that's really what we need. That is
 8 does not involved -- that is not mentioned in the
 9 alternative at all.

10 A.L.J. CASUTTO: One minute.

11 MS. JACKSON: I'd also like to
 12 comment that Mr. Jennings says that they've been
 13 working on this proposal for three years. One of
 14 the reason its been three years is because Save the
 15 Pine Bush sued the city on their first alternative,
 16 and we protested mightily over their second
 17 alternative to the landfill. And that's why it's
 18 been three years. It's because of citizens rising
 19 up and screaming at the city officials.

20 Also, I'd like to say that we --
 21 that Save the Pine Bush has been asking the city
 22 for the last three years, please let us participate
 23 in having open hearings, and let's talk about this
 24 problem. And do you know what the city did? They

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 2 into Six Mile Waterworks, the backup water system
 3 for the city of Albany. And we can't have -- we
 4 can't have more, because as we know, all landfills
 5 leak. All landfills leak.

6 Now, also at times the landfill
 7 stinks. And it seems like the only time the city
 8 is interested in reducing the stench is when
 9 they're asking for a new permit to expand the
 10 landfill. I think that for the people who live
 11 near the landfill, and most of the people who live
 12 near the landfill do not live in the city of
 13 Albany. And that the people who live near the
 14 landfill suffer the most because of the tremendous
 15 stench. And I think it is unconscionable.

16 I'd also like to say that there
 17 is no away. You know, we always think there's an
 18 away. We're going to throw it away. The law of
 19 conservation of matter and energy says there is no
 20 away. Some people estimate that eighty-five
 21 percent of the things that we use once, we only use
 22 once and then we throw it away. And my question
 23 is, why do we spend so much time and effort, and so
 24 much energy, to create these things to use them

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 2 put their hands over their ears and they covered
 3 their eyes, and they didn't listen to us at all.
 4 And they would not let the public participate. And
 5 I think that their solid-waste-management
 6 committee, that SWMP that they invented, they met
 7 for the first time on November 24th, the Monday
 8 before Thanksgiving, last week.

9 This is not planning. This is
 10 ridiculous. After we've been asking for three
 11 years, for three years to do this, the city has
 12 their first meeting four o'clock on a Monday
 13 afternoon, the Monday before Thanksgiving.

14 A.L.J. CASUTTO: Please sum up.

15 MS. JACKSON: Anyway, Save the
 16 Pine Bush totally opposes this. I am still angry
 17 that the -- that D.E.C. allowed the destruction of
 18 twenty-five acres of Karner Blue habitat for the
 19 first landfill expansion. And I really hope the
 20 D.E.C. will not approve this expansion.

21 Thank you.

22 A.L.J. CASUTTO: Thank you. The
 23 next speaker is Frank Prevratil. Following Mr.
 24 Prevratil, Grace Nichols.

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2 MR. PRAVRATIL: Well, I'm glad
3 that I finally have this chance tonight to speak.
4 A public hearing should be the public speaking. I
5 live about a mile away from here, if that, 34
6 Tanglewood Road, the village. I don't have any
7 place to run. I don't have any place to hide. The
8 smell is there every day. The older gentleman that
9 was here earlier tonight, speaking, retired
10 physicist, I forget his name, but he spoke about
11 the smell that we should be concerned with, but
12 also the things that we cannot smell. My children,
13 my wife and I, are forced to breathe in whatever
14 is -- whatever is leaking out, whatever is
15 filtering out. My youngest son goes to school
16 right over here at the Pine View Preschool. My
17 older son went -- went there as -- as well. And
18 they were forced to go outside and play in an area
19 that at times when I'd go to pick him up, the smell
20 was so bad that I had to run back to the truck.
21 And some of you might say well, then put your kids
22 some place -- some place else to school. Forest
23 Park Elementary School is where my kids go when
24 they're out of preschool. And I'm sure a lot of

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2 you know that Forest Park School is not -- is not
3 that -- that -- that much farther away.
4 I don't know why I'm standing
5 here. I spoke what, three -- three years ago when
6 we had this forum before, or was it two years ago?
7 Two years? And I couldn't believe that we were in
8 front of the D.E.C. speaking to them, a department
9 that is supposed to look out for the best interests
10 of the environment. It's preposterous to think
11 that we are talking about putting trash, more trash
12 in the middle of a protected wet -- wetland system.
13 I can't believe that I'm even standing here again,
14 two -- two years later, appealing to you folks, yet
15 again, as I asked you before, if you can go to bed
16 at night, after you kiss your kids good night, and
17 think about the children that aren't going to be
18 able to go outside and play without breathing in
19 whatever is in the air.
20 I -- I'm sure that none of you
21 live close -- close by here. I can almost bet you
22 that. If you do, I'd like to know where -- where
23 you live, so I can come over and -- and see what
24 kind of filters that you've got running.

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1
2 But I guess another -- another
3 concern of mine is, I -- I can't believe I'm
4 standing here in front of the D.E.C. appealing to
5 you folks again. That's absolutely nuts. But the
6 Honorable Jerry Jennings, this is the first time
7 that I've seen him around any of this; he was here
8 for all of what five minutes, if that? Spoke
9 quickly, and then scooted out before he heard the
10 public at a public hearing. Something's wrong with
11 this.
12 Last but not least, I just want
13 to sum it up by saying obviously, I am completely
14 opposed to any more monstrous mountains of trash
15 that we can -- that we can -- we can build.
16 I remember when I was in my
17 teens, I would drive down Washington Ave.
18 Extension, and everything seemed to be relatively
19 flat. Now there's a mountain, and I'd like to know
20 what the State plans on naming that mountain.
21 Thank you.
22 A.L.J. CASUTTO: Grace Nichols.
23 Following Ms. Nichols, John Wolcott.
24 MS. NICHOLS: Get this where you

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1
2 can hear me. My name's Grace Nichols. I'm a
3 volunteer with Save the Pine Bush. I'm a citizen
4 of Albany, and also a science teacher within
5 Albany, and I felt compelled to come comment on the
6 supplemental draft impact, environmental impact
7 statement, because of its contents and lack of
8 contents.
9 One thing is that I was fortunate
10 to be present at the
11 solid-waste-management-planning meeting on the
12 24th. And I witnessed the spokespeople for the
13 consultant firm refer to the expansion as going to
14 happen. It is going to happen, when it happens.
15 And I feel that that was extremely disrespectful to
16 the D.E.C. for presenting this as a foregone
17 conclusion, over and over again, even when asked
18 about it. So that was disrespect for us as well.
19 But here we are. I wanted to
20 raise some concerns that have not yet been raised.
21 The public health concerns of course, are
22 paramount. They're serious. There are wells in
23 which they've found mercury. You look at the data,
24 it's very disturbing.

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 2 But I wanted to bring up some of
 3 the other issues that I feel are not adequately
 4 addressed in the impact statement. One is
 5 contamination of wildlife. And we're going to need
 6 the rodenticide records. They're required to keep
 7 them, but they were not attached in the appendix to
 8 this report. And if you're going to talk about
 9 environmental impacts, I would expect an accurate
 10 list of species. They did leave out the rat, they
 11 also left out the sharp-shinned hawk, even though
 12 they later referred to it. So the -- the field
 13 biology was not the best. And they know that
 14 they're spreading rodenticide all the time out
 15 there. They know that. They know they're trying
 16 to get rid of rats. And they know that when they
 17 do that, that around the State there's always been
 18 concerns about the anticoagulants within
 19 rodenticide. And when it gets into the food chain,
 20 and that would be through the rats, possibly the
 21 white-footed mice, the chipmunks, the species that
 22 eat those, including feral cats. And then of
 23 course the hawks, who -- you can see the hawks.
 24 It's one of the more beautiful things in this area

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 2 to use D.D.T. in this state.
 3 Second, I noticed that when we
 4 talked about the woodcock populations and the
 5 whippoorwill populations, they gave us 2006 data.
 6 I was part of the field survey in the spring.
 7 There is 2008 data out there. I want to know why
 8 they didn't use the most current data to talk about
 9 those populations, concerned about that science.
 10 Second big concern is the
 11 presence of hazardous waste in the landfill. And
 12 this has to be pretty much my primary concern. A
 13 responsible garbage system does not put hazardous
 14 waste in a landfill not designed for hazardous
 15 waste. You don't do that. In order not to do that
 16 you have to educate the public, and you have to
 17 provide convenient, reasonable well-publicized
 18 alternatives on where to put the household
 19 hazardous waste.
 20 I can read to you, just as a
 21 personal thing, I tried to figure out household
 22 hazardous waste. I said hmm, how am I going to
 23 figure this out? So, I managed to find the number,
 24 I called it, I call them -- I called the D.E.C.

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 2 is the hawks you see on the side of the road
 3 circling the landfill. It's a wonderful hunting
 4 territory. They have -- they've identified the
 5 trees adjacent to the landfill as a -- what do they
 6 call it, higher-quality habitat present in the
 7 preserve, where they migrate and nest, where they
 8 nest during migration season. Whereas the
 9 expansion area is a marginal habitat, meaning that
 10 they hunt there; okay? Why do they hunt there?
 11 Well, rodents like landfills.
 12 The concern is -- is around the
 13 State, that if you're spreading rodenticide, and
 14 even if you have a ton of household hazardous waste
 15 in your landfill, that you've been completely
 16 unable to keep out of the landfill, and the rodents
 17 are chewing on it, you have another source of
 18 contamination. Either way, we need tests. We need
 19 to test the rodents, and we need to test the
 20 feathers of the nesting hawks in that area, to make
 21 sure that the food chain is not being poisoned.
 22 It's very hard to remediate. It's only recently
 23 that our raptor populations have come back from
 24 previous poisonings, when we were so short-sighted

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 2 And I said, "When is household-hazardous-waste
 3 day?" They said, "Oh, we only know about one.
 4 It's in October." They gave me the day. I said
 5 "When do you have to come?" "Oh, there's only
 6 these evening hours." "Okay. What do you take?"
 7 Oh, they named three things, and said they didn't
 8 really know about the others, but I should go to
 9 the Internet. I said what if I didn't have the
 10 Internet, and what if I don't have a car?
 11 And that's the situation for most
 12 of my neighborhood. No Internet, possibly no car,
 13 evening employment. There's not a way to get it
 14 there. And even if you could get it there, what
 15 does the fumes cost of getting every single person
 16 in this area to drive to household-hazardous-waste
 17 day?
 18 A.L.J. CASUTO: All right.
 19 MS. NICHOLS: It's a ridiculous
 20 plan.
 21 A.L.J. CASUTTO: One more minute.
 22 One minute.
 23 MS. NICHOLS: Okay. So I'm not
 24 going to read you the twenty things that they take

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 2 and what it would take to educate the entire
 3 population as to what those twenty things are, how
 4 to do that and why they need to do it. But that is
 5 possible. And project WET is a wonderful curricula
 6 the State has approved to do just that, and it
 7 needs to be enforced, it needs to be done in every
 8 single school, particularly noncompliant
 9 neighborhoods where recycling is a new concept, and
 10 household hazardous wastes are a secret. Nobody
 11 knows what they are or that they exist at all. And
 12 people fix their cars on the street, because they
 13 don't know about motor oil and antifreeze. It's
 14 the way it is.
 15 My third concern is weather
 16 considerations, four hundred and seventy feet in
 17 the air, highest structure in that area. We've had
 18 tornadoes in the Catskills recently. What's going
 19 to happen? We don't know. And there's nothing in
 20 there talking about weather safety. We know that
 21 the soils in the Pine Bush are particularly subject
 22 to erosion. What's going to happen in -- you know
 23 is -- is there adequate erosion controls for
 24 flooding, storm situation, extreme weather?

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 2 There's nothing in there that says.
 3 My fourth concern is --
 4 A.L.J. CASUTTO: Please sum up.
 5 Time's up.
 6 MS. NICHOLS: -- that they're
 7 making money off burning the methane and releasing
 8 the methane, rather than composting. And when they
 9 tell you, hey we burn it, that's environmental.
 10 I'm sorry, they're releasing thirty percent of the
 11 methane that they create, because they don't
 12 compost. And the thirty percent is seven thousand
 13 tons a year, but methane is twenty times as
 14 effective as carbon dioxide as a greenhouse
 15 contaminant. So, that means you take the seven
 16 thousand, you multiply it by twenty, you get a
 17 hundred and forty thousand tons of carbon-dioxide
 18 equivalent, which is more than all the carbon
 19 dioxide associated with the dump right now. So the
 20 figures kind of disguise the actual carbon
 21 footprint of the dump, which is huge.
 22 You add that together and you get
 23 two hundred and fifty thousand tons of carbon
 24 dioxide and carbon-dioxide equivalent being

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 2 released by the dump and they're calling that
 3 reducing a carbon footprint. And they're -- they
 4 should be ashamed of that kind of math.
 5 Thanks.
 6 A.L.J. CASUTTO: All right. John
 7 Wolcott. Following Mr. Wolcott, Tom Scarf
 8 (phonetic spelling).
 9 MR. WOLCOTT: Okay. My name is
 10 John Wolcott. I live at 344 Sheridan Avenue.
 11 FROM THE FLOOR: Use the mic,
 12 John.
 13 FROM THE FLOOR: Use the mic,
 14 John.
 15 FROM THE FLOOR: We can't hear
 16 you.
 17 MR. WOLCOTT: John Wolcott, 344
 18 Sheridan Avenue in the -- in the center or
 19 mid-city, the real city. I'm a member of Save the
 20 Pine Bush. And I reviewed briefly the -- the
 21 Harken (phonetic spelling) archeological work on
 22 the site. They -- they didn't find much. They
 23 found some scraps, random indications on the
 24 expansion area itself. They found a little bit

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 2 more just off if, along a stream that comes out of
 3 it. Shows a chipping, cooking, camping site.
 4 Nothing as more substantial sites that they've
 5 found previously, a little to the north of there.
 6 And there's a colonial -- there's a colonial
 7 component on the south side, by the Rapp Road
 8 Extension, that goes back to a place called the
 9 Verberg (phonetic spelling), and that dune at the
 10 first bend is the dune called the Verberg. And
 11 this pertains to Dutch history, which next year is
 12 going to gain more prominence, so you should think
 13 about that.
 14 Also, they said they dug down to
 15 subsoil, a sterile subsoil. Well, I've found that
 16 many, many sites, the sterile subsoil has
 17 occupation layers underneath that in turn, not
 18 that's it really, it's natural subsoil, but in
 19 places where you get a deposition occurring,
 20 especially in places where Olean (phonetic
 21 spelling) deposition, in the Pine Bush, -- the Pine
 22 Bush is mostly defined as a land form by windblown
 23 sand.
 24 So, they -- I think they ought to

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 2 go back and dig some deeper test pits, maybe do
 3 some core samplings and save time all around that,
 4 just in case. Because I -- I've seen this happen,
 5 and I think the -- the document's incomplete
 6 without that being done.
 7 And then I want to return to this
 8 idea of zero waste. I've attended a day-long
 9 seminar on that with a lot of people talking
 10 expertly about it. It was coordinated by Barbara
 11 Warren who just spoke. And it's very
 12 labor-intensive. I was -- I was impressed by that.
 13 And it employs a lot of people. It has a -- it
 14 has, you know, a structure and -- and it can create
 15 green jobs, and it can end -- and it can end the
 16 landfill in the Pine Bush, and set up these sites,
 17 maybe a couple of them, in and near the city of
 18 Albany, where people who need better employment, or
 19 employment at all, can have access to it, training.
 20 It's an excellent green move. And that's not --
 21 that's not in this study. So I say that makes it
 22 incomplete, as others have said.
 23 Also, I just returned recently
 24 from a trip from -- to Missouri, so since I came

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 2 always the best way. And I have photographs of
 3 seedlings and saplings starting to grow on the
 4 western side of this already.
 5 Another thing I'd like to say is
 6 I'm totally appalled by this childish notion of
 7 waving a magic wand to make a principal aquifer a
 8 tertiary or quaternary aquifer, and also changing
 9 the federal requirement of a six-inch sealer to a
 10 spray-on, and also waving your magic wand and
 11 saying the wetland is -- now it's wetland; now it's
 12 dry land.
 13 And in -- in conclusion, I
 14 strongly oppose the -- the approval of this
 15 landfill expansion at all.
 16 A.L.J. CASUTTO: Thank you.
 17 Tom Scarf? Is Tom Scarf present?
 18 Andrew Arthur. Following Mr.
 19 Arthur, Art Homel (phonetic spelling).
 20 MR. ARTHUR: I'd like my written
 21 comment entered into the record.
 22 A.L.J. CASUTTO: Yes, thank you.
 23 MR. ARTHUR: Thank you.
 24 Most of my points have already

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 2 from Missouri, you've got to show me -- you've got
 3 to show me the -- the -- the exorbitant expenses
 4 that have been quoted here, like processing organic
 5 waste. Now, I'm currently informed, during this
 6 same conference, that Burlington, fairly near
 7 Albany, is doing this. And if there's no --
 8 nothing in this report of yours that said there's
 9 been a delegation going up to examine that, then
 10 I -- I consider your report incomplete too. I -- I
 11 strongly recommend that before you think of
 12 anything else.
 13 Another figure thrown out by
 14 Steve Apfelbaum, whom I know --
 15 A.L.J. CASUTTO: One more minute.
 16 MR. WOLCOTT: -- all right. Was
 17 the cross of this -- this green restoration. He's
 18 good at that. I know, I've worked with him on
 19 things. And I just want to -- I just want to say
 20 that if you consider nature, maybe you just uncover
 21 the sand there, this wind they talked about before,
 22 in -- in the natural process of seedling --
 23 seeding, would take place in -- in -- in -- and
 24 with -- and dune -- dune reconstruction. Nature is

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 2 been said today, so I will probably skip over them.
 3 I just want to emphasize the fact that we're
 4 talking about the Albany Pine Bush here. It's
 5 something like twenty-five hundred acres, and we're
 6 talking about a fifteen-acre expansion into that --
 7 that area. That's a tiny little spot you're --
 8 you're -- or a tiny little area you're trying to
 9 expand into. I mean, there are -- are thousands of
 10 other acres across New York State that could be
 11 used for landfill space. And there currently are
 12 many landfills that are available in New York
 13 State, and beyond New York State that would more
 14 than welcome our -- our business from -- from the
 15 city. I mean, we're talking about a hundred and
 16 forty-five tons a day. That's a tiny amount
 17 compared to most other cities. Remember, Albany is
 18 the sixth smallest city in upstate New York. I
 19 mean, Albany's trash generation is tiny compared to
 20 most other cities. And yes, we could do,
 21 certainly, better with recycling, and I think one
 22 of the ways we can do better is actually if we get
 23 market forces working here. I believe that
 24 actually with the higher costs of waste

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 2 exportation, that's going to promote more
 3 recycling, because it will make recycling more
 4 cost-effective.
 5 Part of the problem we face right
 6 now with recycling and composting, and things like
 7 that, it's just not cost-effective enough because
 8 it's so cheap to landfill. When you have a
 9 landfill in the city that offers, you know,
 10 landfilling at forty-five dollars a ton, there's no
 11 extra cost involved in it. It -- it's a very
 12 affordable alternative to doing the right thing,
 13 and it -- it should not be that way.
 14 Actually, I would suggest that
 15 the -- the city, or actually the county, look at
 16 creating a tax on all solid-waste generation,
 17 rather -- rather than taxing the -- the products,
 18 tax -- tax the -- the disposal, if you can't
 19 beneficially reuse the waste, like the state of
 20 Vermont does. You know tack on a ten-, fifteen-,
 21 twenty-dollar tax per ton. I mean, that will -- if
 22 you just tack on a ten-dollar-per-ton tax on each
 23 ton of waste generated in the county, you're
 24 talking three point two million dollars per year.

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 2 That's more than enough money to pay for landfill
 3 closing costs, and restoration of the Pine Bush.
 4 Yes, you're going to have to bond it out, because
 5 you're not going to be able to pay for it all in --
 6 with that three point two million dollars in one
 7 year, but over thirty, forty years, you clearly
 8 will have that kind of money. And I think the
 9 higher cost of exporting waste, plus the higher
 10 cost of -- of implementing a tax on waste, will be
 11 a far more sustainable solution that will work far
 12 better than having regulations that are poorly
 13 enforced, that will go against market forces, that
 14 go against what people naturally want to do, which
 15 is find the cheapest way to dispose of their waste.
 16 I thank you for your time.
 17 A.L.J. CASUTTO: Thank you.
 18 Art Homel? Art Homel?
 19 Lorenz Worden? Lorenz Worden.
 20 MR. WORDEN: Right here.
 21 A.L.J. CASUTTO: Please come up.
 22 Following Mr. Worden, Don Robb, excuse me Don Reeb,
 23 R-E-E-B.
 24 MR. WORDEN: Good evening, I'm

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 2 Lorenz Worden. I live in the city of Albany. I'm
 3 responsible for my five pounds a day. This
 4 proposition by the city of Albany to expand the
 5 landfill reminds me of the current effort by
 6 General Motors to have a bailout. Albany and
 7 General Motors have sat by for thirty years, with
 8 this problem evolving slowly, slowly, slowly
 9 getting bigger and bigger and bigger. It didn't
 10 just appear. It shouldn't be a surprise. Albany
 11 spent thirty years doing the wrong thing.
 12 Just like General Motors, Albany
 13 and New York State Department of Environmental
 14 Conservation sat back and watched other countries,
 15 other states, attack this problem and address it
 16 effectively. Now, they're asking for a bailout
 17 from us, the citizens of this area, and from
 18 Environmental Conservation as our, hopefully,
 19 representatives, so that Albany can continue to do
 20 what it's been doing for the last thirty years,
 21 doing the same wrong things.
 22 Why did we wait till November '08
 23 to start planning? Why did we wait till last
 24 Monday? Last Monday follows only a few days from

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1
 2 when General Motors, continuing to do the wrong
 3 thing even as they're asking for a bailout, pay for
 4 a full page ad in the New Yorker Magazine on
 5 November 24th, announcing the Hybrid Escalade. And
 6 bragging that it gets twenty miles per gallon.
 7 Anybody that drives a hybrid that gets twenty miles
 8 per gallon should be embarrassed. I reserve my
 9 dirtiest looks for Escalade drivers. Especially
 10 when they're very small people.
 11 So, we need to go back to the
 12 source. Why are we here? Because we have garbage.
 13 What are we doing about it in Albany? Nothing.
 14 The only change that's been made in the city of
 15 Albany, to my knowledge, and I try to be observant,
 16 is when there's a snow emergency, and it is a
 17 recycling day, the recycling goes in with the
 18 regular garbage. I don't understand it. My cans
 19 aren't going to get any worse by sitting in a
 20 snowdrift for a couple of days. Or if I carry them
 21 back in, they're just going to age in the same blue
 22 bin until I put them out again. That's the only
 23 change that's been made in recycling in years in
 24 Albany.

33 (Pages 126 to 129)

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 2 I'm an optimist. I assume that
 3 people, whether they're in commercial, religious,
 4 not-for-profit, for-profit, would recycle, or would
 5 do better recycling, if they were encouraged to do
 6 so, without making it mandatory. If that didn't
 7 work, then make it mandatory. I remember when
 8 Albany Common Council said that nobody west of
 9 Manning Boulevard recycles. I don't know what the
 10 means. But if they aren't, they should be. Why
 11 are we continuing to pick up their recyclables and
 12 bring them to the landfill?

13 So to approve the expansion is
 14 just a bailout; it's going to encourage Albany to
 15 continue to do its outdated and unsound practices.

16 Thank you.
 17 A.L.J. CASUTTO: Thank you.
 18 The next speaker is Don Reeb,
 19 McKownville Improvement Association president.
 20 Following Mr. Reeb, Bob -- I believe it's Griffin.

21 MR. REEB: Yes, I'm Don Reeb,
 22 president of the McKownville Improvement
 23 Association. I live at 5 Norwood Street in
 24 Guilderland. And I'm here about the landfill of

1 course. In addition, I'm a professor of economics
 2 emeritus at the University of Albany, where I
 3 taught from 1965 to 1999. I received my doctorate
 4 degree in economics from Syracuse in '63.

5 The discussion tonight is all
 6 about money. Money that the city of Albany will
 7 get from selling access to the landfill to
 8 commercial and other waste collectors; money that
 9 the city of Albany needs to balance its budget and
 10 provide needed services; and money that the city of
 11 Albany does not want to get from raising taxes on
 12 city residences and businesses; and money that the
 13 city of Albany will get from a bond issue.

14 What is needed is a different
 15 discussion. One that involves all the Capital
 16 District political officers. Assemblyman McEneny,
 17 Senator Breslin, Mayor Jennings, and the other
 18 elected officials in the five-county Capital
 19 Region. What we need is a new organization to
 20 focus on waste and its disposal. The city of
 21 Albany should not be the lead agency. And to
 22 create a modern recycling center that creates a
 23 usable product like steam, from burning what waste

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 2 cannot be recycled, like the one that is in our
 3 neighboring community in Pittsfield, Massachusetts.
 4 It has a modern recycling center that sells the
 5 steam to Crane Paper. There's no reason in the
 6 world that Albany, the Capital District, would
 7 not -- could not do the same thing. But as long as
 8 the leadership of recycling is in the hands of the
 9 city of Albany, it is not going to happen.

10 D.E.C., as long as D.E.C.
 11 continues to permit the city of Albany to operate
 12 the landfill, you are in fact -- you are, D.E.C.,
 13 forestalling the creation and operation of a
 14 multi-county modern recycling center. It is time
 15 to move forward and create an organization, an
 16 industrial plant fit for the Capital District and
 17 the 21st century.

18 In addition, the next step --
 19 step is to deny the permit, force the Capital
 20 District and its political officers, all of them,
 21 to face the problem of what to do about the
 22 disposal of waste. Yes, it will take money, and
 23 yes it will be difficult, but that is what happened
 24 when we finally got a C.D.T.A. formed. It's what

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 2 happened when we finally got a C.D.C.T., a Capital
 3 district transportation committee formed, and we
 4 moved the discussion upwards and got a far better
 5 public service. It's time to do the same for waste
 6 disposal.

7 Thank you.
 8 When are we going to get a
 9 transcript, or are we going to -- when's the
 10 transcript going to be available for this?

11 A.L.J. CASUTTO: There will be a
 12 transcript.

13 MR. REEB: Do you know the date?

14 A.L.J. CASUTTO: Probably within
 15 two or three weeks after this.

16 MR. REEB: It will be on the Web
 17 site or it will be what?

18 A.L.J. CASUTTO: It will be
 19 available at the regional office or the central
 20 office.

21 MR. REEB: Oh, you're not going
 22 to put it up on --.

23 A.L.J. CASUTTO: I don't believe
 24 we have that capability, no.

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2 MR. REEB: Oh, okay. Thank you
3 very much.

4 A.L.J. CASUTTO: All right. The
5 next speaker is Bob Griffin. Following Mr.
6 Griffin, Lynne Lyons.

7 MR. GRIFFIN: Hi, good evening.
8 My name is Bob Griffin. I'm a homegrown entity. I
9 live in the town of Guilderland. And I'm the
10 general manager for Allied Waste, one of the
11 conglomerates that has been mentioned here tonight.
12 On behalf of our company, I'd like to submit the
13 comments regarding the city of Albany's planned
14 expansion of the Rapp Road waste-management
15 facility. We're the second largest waste-hauling
16 company in the United States, and as such, we are
17 often involved with development and expansion of
18 waste-management facilities.

19 First and foremost, Allied Waste
20 acknowledges the leadership and the perseverance of
21 Albany Mayor Jerry Jennings, for shepherding this
22 project through the regulatory process. Every
23 project, regardless of type or scope, has its
24 supporters and its detractors. However, it's the

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2 that the lack of regional attention to what may
3 indeed become a major environmental and economic
4 problem for the Capital Region, is due to the great
5 job the city of Albany, others, and the waste
6 industry have done handling waste-disposal needs.
7 The waste-disposal crisis that was predicted in the
8 late '80s and '90s never happened. Do you know
9 why, in this area? Because the Rapp Road facility
10 continued its operation, and private companies
11 develop waste-transfer capacity that handled the
12 remaining volume of waste generated in the
13 communities.

14 That's why there's no waste
15 disposal crisis in Bethlehem or Guilderland.
16 That's why the residents of Watervliet haven't
17 noticed any problems with solid-waste disposal.
18 The waste goes out to the curb and it disappears,
19 and to most people in these communities there is no
20 problem. What's the problem? But to some the
21 facts are impossible to ignore. We know better.
22 We know that we rely too heavily on exporting our
23 waste to other regions. There's a thousand tons a
24 day that leave the Albany area right now, and goes

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2 responsibility of our elected leaders to safeguard
3 the public's welfare by planning prudently to
4 ensure that such responsibilities as basic as
5 sanitation are fulfilled. For decades, the city
6 has taken the lead in addressing the
7 waste-management needs of not only the city, but
8 the surrounding communities. The city provides
9 environmentally safe and economically stable
10 disposal options for waste generated by our
11 communities.

12 Instead of garnering appreciation
13 for providing this invaluable service, the city and
14 its leaders are more often recipients of critical
15 comments regarding matters -- regarding matters
16 related to solid-waste management. It's regretful,
17 but it merits mention, that this criticism is
18 rarely, if ever, accompanied by sustainable,
19 practical, and economically reliable options to the
20 local landfill disposal plants. No other officials
21 from other communities in this area have stepped
22 forward to offer sites in their communities for
23 management of solid waste.

24 It's ironic at best to assert

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2 to Western New York. The waste doesn't disappear
3 simply because it does not have a local disposal
4 option.

5 We know that an accident or a
6 snowstorm on the New York State Thruway could
7 quickly cause waste to stay on the curb
8 uncollected, because transfer trailers full of
9 waste would be unable to reach disposal sites. And
10 transfer stations would be forced to temporarily
11 cease operations. We have already experienced
12 export problems during the floods at the Mohawk
13 Valley, when the Thruway was forced to temporarily
14 close. Placed into a broader environmental
15 context, development of local waste-disposal
16 capacity reduces the carbon footprint, which would
17 result from the total reliance upon the export of
18 waste out of this area.

19 At the same time we agree, and we
20 support, the strategy advocated by the D.E.C., that
21 other solutions, such as enhanced recycling
22 programs and composting sites should be developed.
23 But we also know that tomorrow's solutions are not
24 here today. And that any alternative will most

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 2 certainly face the arduous task of being sited,
 3 developed, and built, in the same communities that
 4 want no part of the solid-waste problem that we
 5 confront today.

6 We also know that there will be a
 7 terrible financial impact on the area, should the
 8 expansion not proceed. Simply put, the expansion
 9 of the Rapp Road landfill provides the most
 10 cost-effective alternative for the region's waste
 11 disposal needs.

12 A.L.J. CASUTTO: One more minute.

13 MR. GRIFFIN: The city of Albany
 14 has sometimes been criticized for making money from
 15 the landfill operation. Some critics feel that
 16 environmental issues should be analyzed and -- and
 17 addressed independent of economic concerns. It
 18 just can't be. Without the economic needs, solidly
 19 defined environmental solutions cannot be credibly
 20 supported. The city needs to generate revenue to
 21 operate the landfill, as well as account for the
 22 future cost of closure, and post-closure monitoring
 23 and maintenance. In the interim, if the city
 24 manages to generate some extra revenue, it's an

1
 2 which I have turned in. And I've also turned them
 3 in at the Capitol, Judith Hung's (phonetic
 4 spelling) office. And the mayor has turned in
 5 petitions of over a hundred people. And these are
 6 citizens.

7 And I want to speak about the
 8 fumes first, and my family's health issues. I have
 9 spoken about this before. We've had serious health
 10 issues and the first reason, or two reasons for
 11 them, were ruled out, leaving only environmental
 12 reasons. And these are documented and professed by
 13 the professional doctors in our lives to be the
 14 reason for these health issues. And you know, the
 15 quality of life, you can't say enough about wanting
 16 to live in your house without breathing these
 17 fumes, and enjoy your property and your yard.

18 And as recently as two weeks ago,
 19 I was working out in the yard, and at five o'clock
 20 the fumes hit. And I dug out my hotline number,
 21 which I still had in my phone, and I called.
 22 And -- and after that, since that, just driving on
 23 Washington Avenue Extension. These are -- I call
 24 them fumes rather than odors. Odors can be an

1
 2 appropriate benefit for taking the lead role in
 3 regional solid-waste management.

4 Statewide, we are facing revenue
 5 reductions on a magnitude never seen before. It is
 6 entirely appropriate for the city to generate a
 7 reasonable surplus cash flow, while providing
 8 necessary environmental services in order to ensure
 9 funding for future solid-waste-management programs.

10 A.L.J. CASUTTO: Please sum up.

11 Please sum up.

12 MR. GRIFFIN: Thank you. Allied
 13 Waste supports the expansion of the Rapp Road
 14 facility, respectfully requests that D.E.C. issue
 15 the permit to construct and operate the new
 16 landfill cell as soon as possible.

17 A.L.J. CASUTTO: Thank you.

18 Lynne Lyons. Following Ms.

19 Lyons, Steve Garry.

20 MS. LYONS: Hi, I'm Lynne Lyons.
 21 I live at 4 Locust Park, about one point eight
 22 miles north of the landfill. And it's been our
 23 family home for fifty-six years. And I do have
 24 over a hundred and fifty signatures from before,

1
 2 agreeable scent by definition, as well as a
 3 disagreeable one. But fumes indicate something
 4 harmful or toxic, as from a smoke stack
 5 coincidental -- by coincidental definition. And we
 6 know we've experienced the methane, because of the
 7 numbness in our mouths after breathing these fumes
 8 at Crossgates Mall, my family, my children and
 9 their friends and other people who work nearby us.
 10 We've all experienced it at that time and other
 11 times, along with the -- the people and businesses
 12 on Washington Avenue Extension, and more -- more
 13 importantly at our homes, inside and outside,
 14 where, you know, we try to enjoy our lives and our
 15 yards. While driving anyplace in the community,
 16 anywhere near the landfill, we've been compromised
 17 and sickened to breathe in the fumes for years and
 18 years, while the city did nothing to reduce the
 19 fumes, and the garbage, despite thousands of
 20 complaints, including mine, until they were fined,
 21 and ordered by the state to hire teams of people,
 22 at huge cost to taxpayers, to try and diffuse the
 23 fumes.

24 And it's despicable, the history

1
 2 of abuse by the city, and we all know that, you
 3 know. And -- and you know, shame on them. And
 4 every, I'm just going to skip here. And I did have
 5 to change my route to the doctors or dentists or
 6 errands, or some stores nearby, where I've not
 7 wanted to breathe the fumes anymore because it's so
 8 sickening.
 9 And -- and the past six years
 10 especially, it's been horrible, from the gluttony
 11 and the neglect of the city over the ill care of
 12 what should be a prime example of a rare ecosystem.
 13 That's the Pine Bush, and they've chosen to --
 14 they've chosen this course. And they've been
 15 allowed to dump in it, and allowed to continue to
 16 dump in it, in this land, our backyard. I'm
 17 appalled at their history of neglect, which has
 18 caused us so much grief, for so many years, living
 19 here and trying to enjoy our lives, as we do love
 20 this community. We're -- we've made our homes
 21 and -- you know, personally for over half a
 22 century.
 23 I'm also appalled at the D.E.C.,
 24 that has stated no more, and then joined in the

1
 2 MS. LYONS: -- which will reduce
 3 and encourage reuse. After enforcement, I'm just
 4 going to skip down.
 5 It's time to stop. And we have
 6 to change things for the better. It has to start
 7 at some point by the D.E.C. backing their own words
 8 of not again. And change is what we need to keep
 9 up with the times. Not greed, and not revenue from
 10 the landfill, or debt from it, making us more sick
 11 by fueling the promise of a fat wallet for the
 12 mayor of Albany, when in reality he does go into
 13 debt. We need to enforce recycle, reduce, reuse,
 14 and the tide has to turn. And we need the state to
 15 turn it and get with the times.
 16 These are choices. These are
 17 alternatives. There's a quality of life being
 18 dumped here, and in the wetlands, and it needs to
 19 stop. And what's our goal here? Our goal is zero
 20 waste. And it can be done. I went to the
 21 conference November 15th, by the Citizens
 22 Environmental Coalition, and it's doable. It can
 23 be done. And we need less garbage, not more.
 24 That's what we need. I mean, globally they're

1
 2 gluttony, allowing more stories-high garbage in our
 3 backyards, and the wetlands the city could neglect
 4 further. I'm even more offended, as my family
 5 members, my neighbors, my friends, as well as
 6 business owners, know that the D.E. -- you know to
 7 know that the D.E.C. would even consider another
 8 expansion, making more than once their own
 9 declaration of "This is the last time" possibly
 10 nothing more than just an extravagant statement
 11 that they didn't intend to keep. I thought they
 12 were a serious entity and not a weak link in the
 13 system of justice. But we shall see.
 14 And the -- the city can't show
 15 just cause, as I've said before and I'll say again.
 16 When they started preparing for this proposed
 17 expansion, the city of Albany's population was
 18 recorded as declining, in the news. The city needs
 19 to stop the gluttony and the revenue they're so
 20 willing to go into debt for. And adapt with the
 21 times, to move for reduction, and enforce
 22 recycling. And by the haulers who still dump in
 23 the landfill --
 24 A.L.J. CASUTTO: One more minute.

1
 2 trying to reduce methane emissions, why allow more?
 3 It -- it just needs to stop right now, and they
 4 need to -- zero waste, right now.
 5 Thank you.
 6 A.L.J. CASUTTO: Thank you.
 7 The next speaker is Steve Garry.
 8 Following Mr. Garry, Sally Cummings.
 9 MR. GARRY: Can everyone hear me?
 10 FROM THE FLOOR: Yeah.
 11 MR. GARRY: My name is Steve
 12 Garry. I'm a life resident of the village of
 13 Colonie. I'm still residing here. I have a
 14 business here, Lincoln Storage. My family has
 15 lived in this area for over a hundred years. We've
 16 operated a business on Lincoln Ave. for over fifty
 17 years. My father was John T. Garry. Most of you
 18 may have known him as Tom Garry. He probably spent
 19 a good thirty years or more, and probably close to
 20 a hundred thousand dollars of his own money,
 21 fighting the city of Albany regarding this
 22 landfill, starting as far back as 1975. And we
 23 have lots of paperwork to prove it. Newspaper
 24 articles, legal papers, you name it.

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1
2 If you've ever been to the park
3 Cooks -- or not Cooks Park, I'm sorry. Fox Run,
4 which was originally Whitestone Park, my father
5 founded that park. He built it. There was over
6 eighty trailers there at one time. The retainer
7 wall that is there now was built because the land
8 that was south of it, that was supposed to be
9 forever wild under Mayor Corning, that was preserve
10 area. When Mayor Corning died, Mayor Whalen took
11 over and they expanded the landfill at that time,
12 regardless of what my father wanted to say or had
13 to say, even though he fought them in court. But
14 one of the provisions he got was that retainer
15 wall, to hide the landfill from the residents of
16 the park, so they would not have to see it, hear
17 it, or smell it.
18 Go into that park, do yourself a
19 favor, drive all the way to the south end of the
20 park, and see how much of that landfill that wall
21 hides, and how much of the garbage it holds back,
22 and how much of the odor it holds back. The
23 landfill is probably four to five times as tall as
24 that wall. This past year they covered it with

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1 dirt and they had grass growing over it. That was
2 part of their deal with the last plan for the
3 expansion. It is now covered with raw garbage
4 again. They have started dumping on it all over
5 again.
6
7 That's what you're getting with
8 the city of Albany: Time and time again, broken
9 promises. And D.E.C. has given into them each and
10 every time. I'm really starting to wonder whether
11 D.E.C. stands for what they're supposed to be, the
12 Department of Environmental Conservation, or if
13 they're just another worthless government agency,
14 sucking ass and giving in to your local big
15 governments. Because that's certainly what it
16 looks like to me. I'm hoping and praying that they
17 can prove me right. They haven't in the past, but
18 maybe they will this time.
19 Living and working with my
20 father, I've had to see him suffer an awful lot of
21 grief over what he's worked with and had to deal
22 with, with the city of Albany regarding this
23 landfill. It's truly very sickening. And he did
24 it himself for many years. He had nobody backing

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1 him, because nobody cared. It wasn't affecting
2 anybody but him and his park.
3
4 Now it's affecting the residents
5 of Guilderland, the city of Albany, and primarily
6 the village of Colonie. Many people come into our
7 neighborhoods and they smell the garbage. I've
8 gotten used to it. I have people and company come
9 to my house. I'm right over by Cooks Park. "How
10 can you stand the odor? It reeks." I've gotten
11 used to it. I don't even know it. How would you
12 like to have to sell your house in that area, and
13 have people come in to view your house, when you're
14 trying it, maybe for two hundred thousand dollars?
15 And have people say, "I wouldn't give you five
16 bucks to live here. It stinks." That's going to
17 lower property values. It's going to bring a
18 different kind of people coming in to buy the
19 homes. And that's going to have a ripple effect,
20 because the town and the schools for Colonie are
21 not going to be able to get their revenues from
22 that property, from those taxpayers, because it's
23 going to drop the value of that home.
24 The same with businesses. It's

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1 going to have the same effect on businesses. I
2 have the Lincoln Self-storage here, right on
3 Lincoln Ave. right by the railroad tracks. I'm
4 taxed on full occupancy. I'm not even half that,
5 while everybody else around me with the same kind
6 of business is full. Why? Maybe because I'm not
7 on the main street. Well, there's others that
8 aren't on the main street. I'm doing all kinds of
9 advertising. Maybe it's because people come into
10 my place and it smells like a landfill. Gee, would
11 you store your clothing, or your furniture, or
12 your -- store your automobiles in a place that
13 smells like a landfill? That land permeates into
14 everything. And a lot of times you can't get it
15 out without having it professionally cleaned, if
16 even that gets it out.
17
18 A.L.J. CASUTTO: One more minute.
19 FROM THE FLOOR: Are we allowed
20 to ask questions while you talk, or no?
21 MR. GARRY: No, see me afterward,
22 please.
23 It's your property. It's your --
24 your area. I -- I don't think we should expand it.

38 (Pages 146 to 149)

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1
 2 the city of Albany has proved themselves time and
 3 time again that they aren't going to hold their
 4 promises. It's -- it's a false truth. And how
 5 many times are we going to do this? Three, four,
 6 five? How many times? Six? Maybe eight? They
 7 keep walking all over us, and D.E.C. keeps giving
 8 right in to them. I. Hope they prove us wrong
 9 this time and -- and do good by us. That's all I
 10 have.
 11 Thank you.
 12 A.L.J. CASUTTO: Thank you.
 13 Are you Ms. Cummings? Thank you.
 14 All right. The next speaker is
 15 Sally Cummings. Following Ms. Cummings, Patrick
 16 Sorsby.
 17 MS. CUMMINGS: The reason I'm
 18 wearing this is because --
 19 A.L.J. CASUTTO: Please speak
 20 into --
 21 MS. CUMMINGS: -- I'm a keen
 22 gardener --
 23 A.L.J. CASUTO: -- the microphone
 24 so we --

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1
 2 MS. CUMMINGS: -- oh.
 3 A.L.J. CASUTO: -- can all hear
 4 you.
 5 MS. CUMMINGS: I'm a very keen
 6 gardener, and I like to be in my garden. I live on
 7 the other side of Western Avenue, a little over two
 8 miles away from the landfill and I can smell it.
 9 And I'm just appalled that -- I just can't believe
 10 that D.E.C., the Department of Environmental
 11 Conservation, would even consider having,
 12 expanding, putting in a new landfill, when they
 13 can't even control the odors of the one that they
 14 have. And I for one feel that if they decide to do
 15 it, I'm going to get out quick and move, because I
 16 don't want my property to go down in value so that
 17 I can't sell and move somewhere else, to where
 18 there isn't a stench.
 19 And I -- also I don't feel that
 20 they have adequately informed us about this water.
 21 If they're building a landfill four hundred and
 22 seventy-five feet high, which way does water go
 23 when it rains? It goes down. It goes down and
 24 down into the watershed or the land, the water

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1
 2 underneath the ground. It will sink. And the city
 3 purchased a lake to be used as an emergency water
 4 supply for the city of Albany, and this landfill is
 5 towering above it. And do we really want our
 6 emergency water supply to be contaminated? Global
 7 warming, there's a world shortage of water. Do we
 8 really want to give it away for six and a half more
 9 years of dumping capacity?
 10 I vote no.
 11 A.L.J. CASUTTO: Thank you.
 12 Patrick Sorsby? Following Mr.
 13 Sorsby, Timothy Wolf.
 14 MR. SORSBY: Thank you very much.
 15 My name is Patrick Sorsby and I am a resident of
 16 the city of Albany. I'm also a graduate of the
 17 University of Albany. I was an undergraduate at
 18 the University of Albany, and I'm getting my M.B.A.
 19 at the University of Albany now. I'm also a
 20 graduate of Albany Law School as well. So I'm not
 21 from Albany proper originally. I came from Lake
 22 George, an area where we had to pay for our
 23 garbage. Whenever we put it to the curb, we had to
 24 pay two dollars every time we put our -- our

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1
 2 garbage out, so that we would know the actual cost
 3 of garbage. Garbage wasn't free, nothing really is
 4 in society, and we were made to realize that.
 5 But I'm one of those people that
 6 the state of New York is trying to keep here in the
 7 community. One of those people that came to go to
 8 college here, and the state doesn't want to leave.
 9 And when I first came to Albany I was quite
 10 surprised. I saw this great nanotech facility that
 11 the city calls it's gem. And I saw this beautiful
 12 preserve, one of the endangered preserves in the
 13 state of New York. And as an avid runner, I
 14 decided to run in the Pine Bush. And on a slight
 15 detour off the trail, which you're not supposed to
 16 do, I noticed there was a large dump; looked like
 17 Mount Everest. And it was very disheartening.
 18 And when we run the trails, I'm a
 19 part of a running group in the community of Albany,
 20 Albany Running Exchange, I don't represent them
 21 here, I represent myself. When we go out there and
 22 run we routinely smell the dump, if the winds
 23 blowing the right way when you're on the trails in
 24 the Pine Bush. It's not a very great thing to have

39 (Pages 150 to 153)

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1
2 when you're trying to get out and get your morning
3 run in. There's a large running community in the
4 city of Albany, and I would like to encourage them
5 to have more of a voice in what happens in the Pine
6 Bush, specifically as it relates to the proposed
7 expansion.

8 I haven't been involved in the --
9 in this issue very long, so I -- I tried to read
10 through the application to increase the landfill,
11 and it is quite voluminous, so I'm just getting up
12 to date on the facts. A couple of the quick
13 problems that I saw with the application are some
14 of the things that concern me. It doesn't include
15 an estimate of the capacity for just Albany garbage
16 alone. The -- it's estimated that the capacity for
17 the dump is through 2009 for garbage from all other
18 counties outside of Albany, and Albany. In other
19 words, it's the three hundred and eighty-three
20 thousand tons per year, but it doesn't tell you if
21 you only use the thirty-eight thousand tons per
22 year from Albany, when we would run out. Maybe it
23 would be another two years. Maybe it would be
24 another three years. We don't know. And the

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1
2 problem is the application doesn't include that
3 kind of estimate. It doesn't tell us when the
4 landfill would run out if you only use the fifty
5 percent of the garbage that currently goes in there
6 from the Capital District now. I would like to
7 know how long we would have. Maybe we'd have
8 another three or four years, so we can come up with
9 another proposed site besides site C, the second
10 site that they're looking for a long-term goal.
11 And I think the plan is quite flawed for that
12 reason. I can't believe that they didn't actually
13 include that time line, when will we run out, as
14 plan B, if we only use garbage from Albany County?
15 How long -- much longer would we have? And I think
16 that's a real fatal flaw.

17 Also, the revised plan talks
18 about a pay-as-you-throw program, as a way to kind
19 of offset the revenue if we don't have garbage
20 coming in from other communities. If you do the
21 calculations based on 2006 census records, if you
22 charge two dollars a bag for garbage, like they
23 charge in Lake George, when I went to live -- lived
24 in Lake George, based on just the city residents

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1
2 alone in Albany, it would generate about thirteen
3 million revenue a year. So, I'm wondering, as a
4 taxpayer in Albany, what is the mayor going to do
5 with the additional thirteen million that he's
6 going to generate charging citizens for their
7 garbage, if he's going to keep bringing in the
8 money from the garbage coming out, coming from
9 outside communities? So, you add the thirteen
10 million that he gets from charging people to bring
11 their garbage in our community, plus he wants
12 another two dollars a bag that he's proposing in
13 the revised plan. What is he going to do with the
14 additional thirteen million dollars? I -- I'd like
15 to know as a taxpayer.

16 Lastly, it's one of the only
17 plans I've seen or heard of that's been brought to
18 the D.E.C. for a proposed expansion that actually
19 offers a potential solution. If you think about
20 it, they're saying accept our plan because we have
21 a -- if you -- we propose that you could do a
22 pay-as-you-throw program, and you can eliminate,
23 reduce the amount of intake of garbage by fifty
24 percent, they're actually offering a solution.

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1
2 They're showing you how you can give yourself
3 another two years by knocking off that fifty
4 percent of the garbage that comes from outside
5 communities, and at the same time, saving the
6 revenue that they were having before, by charging
7 for the garbage in the city of Albany, which I
8 think is very important. I think the people in the
9 city of Albany should realize just how much garbage
10 actually costs. And that's my concluding point. I
11 obviously don't believe they should expand into the
12 Pine Bush.

13 Thank you.
14 A.L.J. CASUTTO: Thank you.
15 Timothy Wolf? Dominick Ragone?
16 Following Mr. Ragone, Tim Donnelly (phonetic
17 spelling).

18 MR. RAGONE: You guys can all see
19 I'm a Yankee fan. And I don't want to take my hat
20 off because I've got hat -- you know, hat hair, so
21 I'm going to leave it on.

22 I'd like to just read a few
23 things on this paper and I will give it to the
24 gentleman sitting over there afterwards.

40 (Pages 154 to 157)

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 2 Environmental discrimination. This is the meaning
 3 of it: Occurs when a certain sector of the
 4 population, especially vulnerable sectors, assume
 5 disproportioned burden of the effects of
 6 human-induced environment degradation. As a
 7 society we should be especially concerned when a
 8 government or a private sector's practices cause
 9 unfair treatment on a group, based on social or
 10 economic status.
 11 "Democracy must be something more
 12 than two wolves and a sheep voting what -- on what
 13 to have for dinner."
 14 In environmental issues, the
 15 defense of human rights rarely focus on social,
 16 economic, or cultural rights. The links between
 17 environment and humans become obvious when a
 18 environmental degradation results in health
 19 problems, birth defects, or even death. But then
 20 it's too late.
 21 Public and private unaware,
 22 ignoring, or they just don't care, about
 23 discriminate consequences of their actions. Have
 24 they considered the price that the community will

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1
 2 pay due to the loss of clean air, clean water,
 3 safety, quality of life, and the enjoyment of the
 4 property and community.
 5 Now, I live in Colonie and I'm
 6 going to tell you something. I'm a bus driver for
 7 Colonie, South Colonie. And every day we go out
 8 and we move our children around. And what our main
 9 goal is, ask Steve, is safety. Safety for our
 10 children. We don't have safety with this air. As
 11 soon as I let them off the bus, these kids don't
 12 have safety anymore. These kids are breathing in
 13 lousy air. And we've heard it from every single
 14 person that's been up here, that this is not
 15 something we want to do. This is something that we
 16 want to stop. And I wish that, at this last
 17 meeting -- the last meeting I was at, it was the
 18 same, just about the same amount of people coming
 19 up here and talking about this, and we're right
 20 back to the same thing all over again, an
 21 expansion. People coming to the door the last
 22 minute with this thing saying go to the Rapp
 23 meeting. And I'm glad I came tonight, because I'll
 24 tell you, I listened to a lot of intelligent

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1
 2 people, and they've opened my eyes to even more
 3 about this.
 4 I think we all should vote no on
 5 this, and I think as a public, as a community we
 6 should all stand up and stop this. We can do it.
 7 They've done it in other places. I've got
 8 information here on that, which I'm going to give
 9 to you as well. We can stop this as a public.
 10 Thank you very much.
 11 A.L.J. CASUTTO: Thank you. Tim
 12 Donnelly?
 13 FROM THE FLOOR: He left.
 14 A.L.J. CASUTTO: Elaine Sacco.
 15 Is Elaine Sacco present? Please come forward.
 16 Following Ms. Sacco, Donald
 17 Csaposs.
 18 MS. SACCO: I don't like getting
 19 up like this and speaking, but this is an important
 20 issue to my family, myself, and my community. I
 21 hope the D.E.C. will listen, because it seems like
 22 we have been doing this over and over. And I don't
 23 know if they're listening. But we've talked about
 24 the smell, but it's more than the smell that --

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1
 2 that we deal with. I live about a half a mile from
 3 the -- from the landfill. And I work across the
 4 street from the landfill, along with senior
 5 citizens. There's two nursing homes, two assisted
 6 living -- three assisted livings, nursery schools
 7 across, it's not just businesses we're talking
 8 about, it's people. And in 2000, at the height of
 9 the smell, was the year my husband died. He died
 10 of a brain tumor. The -- we were lucky enough to
 11 be able to go to New York to have it treated. He
 12 was one of the leading surgeons in -- in the
 13 country, and he told us that the -- the cause of
 14 brain tumors, which unlike other cancers are going
 15 down, you can prevent them. Brain tumors, they
 16 haven't found a preventable site for them, cause.
 17 And he said he felt it was ninety-nine percent
 18 sure, in his opinion, that they were caused by
 19 environmental toxins.
 20 Now, how do you control that?
 21 It's the air you breathe. It's the water you
 22 drink. It's the food you eat. You know, it's --
 23 it's -- it's more than you can control. We have to
 24 depend on our elected officials. We have to depend

41 (Pages 158 to 161)

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 2 on -- on our agencies that are supposed to defend
 3 us. Defend our families.
 4 I have four children that grew up
 5 in this area. I have children that live in Albany,
 6 and I see the amount of garbage that is thrown out,
 7 and the piles that people are allowed to -- there's
 8 no -- since the last meeting I haven't seen any
 9 changes in the way Albany has taken in their
 10 garbage. And I would just like to say I vote no
 11 for this proposition. And I hope the D.E.C. has --
 12 has a heart, and also a mind, and that you would
 13 vote no.
 14 Thank you.
 15 A.L.J. CASUTTO: Thank you.
 16 Donald Csaposs. Following Mr.
 17 Csaposs, Mark Platt (phonetic spelling).
 18 MR. CSAPOSS: Good evening. My
 19 name is Don Csaposs. I live on Norwood Street in
 20 McKownville, about a mile and a half downwind from
 21 the -- the Rapp Road landfill. I've been sitting
 22 here a while tonight, and a lot of the things I was
 23 going to say have been said already. I'd like to
 24 echo a lot of sentiments. I'd like to echo the

1
 2 manner in which the landfill has been operated.
 3 Hundreds and hundreds of consistent violations of
 4 permit requirements. The city of Albany has done
 5 nothing to correct these, except for some window
 6 dressing at moments when they're processing another
 7 expansion request.
 8 And as far as aggressive
 9 regulatory enforcement from D.E.C., sorry, Mr.
 10 Kelly, I give your agency an F. We've had nothing.
 11 We haven't been protected.
 12 I'll equate this to the meltdown
 13 in the financial-services industry, where greed run
 14 rampant is going to result in the expenditure of
 15 trillions of dollars of taxpayer money, even as the
 16 regulatory agencies on the federal level, the
 17 Federal Reserve, the Office of the Comptroller of
 18 the Currency, the Office of Thrift Supervision, sat
 19 idly by and let all of this happen.
 20 It is time. I'm -- you know,
 21 I've been watching this. I've been part of this
 22 since 1990. I'm tired. I have better things I
 23 could doing -- I could be doing with my life
 24 tonight. And I dare say that everybody in this

1
 2 sentiments relative to the -- the odor, the
 3 degradation of the Pine Bush environment, the
 4 existence of unidentified environmental toxins,
 5 contamination of the Pine Bush aquifer, the list
 6 goes on and on.
 7 And as I was sitting here
 8 listening to these recountings, I recalled being in
 9 this room, this very room, in January of 2007, and
 10 listening to a lot of the same people making a lot
 11 of the same very good points. And then I thought
 12 back to being around for the approval of the P-four
 13 permit, back in 2000. And to the wedge in 1997.
 14 And to the expansion approval in 1990.
 15 And I thought to myself, we have
 16 an awful lot of intelligent, well-intentioned
 17 people in this community who have been asking the
 18 city of Albany and the Department of Environmental
 19 Conservation to manage the Rapp Road landfill as a
 20 regional resource, and to manage it responsibly for
 21 a long, long time.
 22 What have we gotten during that
 23 period of time? We have had consistent violation
 24 of the terms of D.E.C. permits relative to the

1
 2 room could say the same thing. It's time. Send
 3 the city of Albany back to the showers. Turn the
 4 management of the Rapp Road landfill over to a
 5 consortium of local communities, operate it as a
 6 regional resource. Keep the foreign trash out.
 7 Extend the life of the current landfill. And let's
 8 get really busy on finding a long-term solution to
 9 solid-waste management in the Capital District.
 10 Thank you.
 11 A.L.J. CASUTTO: Thank you. Mark
 12 Platt? Mark Platt.
 13 Ben Garry (phonetic spelling)?
 14 Russell Ziemba? Mr. Ziemba will
 15 speak next.
 16 MR. ZIEMBA: Good evening. My
 17 name is Russell Ziemba. I live in Troy, but I've
 18 been a member of Save the Pine Bush for about
 19 twenty years. I was a student at the University of
 20 Albany, and -- and had been a resident of Albany as
 21 well, when I was a student.
 22 This -- this proposed expansion,
 23 there are a lot of -- a lot of issues involved with
 24 it, and many of them have been covered tonight, but

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 2 I'd like to touch on a few that haven't been. I
 3 was looking through the -- the draft document, and
 4 I think that it's very important that we divert
 5 resources away from the waste stream. And
 6 recycling isn't as good, because you -- you have to
 7 go through processes, and recyclables have to be
 8 carted around. But if we can divert garbage
 9 resources from the waste stream, I -- I think that
 10 it would be very beneficial. It will keep garbage
 11 out of -- out of the -- out of landfills.
 12 Pete Seger said, well -- in a
 13 song he said, "It isn't garbage until you mix it
 14 all together and throw it all away." And that's so
 15 very true. In one of the areas of garbage that go
 16 into the landfill are C. and D. debris. And I --
 17 I'm a preservation -- historic preservationist in
 18 Troy, and I -- you know, we're trying to establish
 19 a requirement that buildings be disassembled prior
 20 to demolition, because I've had - from personal
 21 experience thirty years ago, I took apart numerous
 22 buildings, and you can -- you can reuse, depending
 23 on the building, forty, fifty, sixty, seventy,
 24 eighty percent of the materials in a building can

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 2 we did was trying to divert student trash from --
 3 well, at the university, but also downtown, from --
 4 from the landfill. The University at Albany, I
 5 believe, is a ANSWERS Consortium member as well.
 6 So I think that the city ought to partner with the
 7 University and -- because every -- every year,
 8 twice -- twice a year, in -- in May and --
 9 primarily in May but also in December, students
 10 move out of their apartments. They put out their
 11 furniture and rugs and lamps and books and all
 12 the - the same things. And then a month later, the
 13 students come back in, they buy all those new
 14 things, and put them in their apartments, and throw
 15 them all out again -- out again five or six months
 16 later. I think there ought to be some repository
 17 in a large abandoned warehouse or something where -
 18 in north Albany there are a lot of abandoned
 19 warehouses - where these objects can be kept and
 20 sold back to students for a nominal fee. They'll
 21 benefit, and there will be garbage diverted,
 22 valuable resources diverted from the landfill.
 23 Now, I haven't seen the city of
 24 Albany doing very much to prevent waste. I agree

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 2 be reused. And generally this isn't done.
 3 Maybe -- maybe the mantles will be taken out, or
 4 stain glass windows, or some decorative molding,
 5 but it's basically just mashed together and broken
 6 apart, and pressed down to try to compress it, and
 7 turned into garbage. These buildings in Troy and
 8 in Albany that were built a hundred or a hundred
 9 and fifty years ago from virgin timbers that no
 10 longer exist, by methods and craftsmen that are no
 11 longer around, prior to demolition, there's a
 12 possibility of reusing and rehabilitating many of
 13 these buildings, and I don't think there has been
 14 an emphasis on that. But even with buildings that
 15 are going to be demolished, it's important to
 16 remove everything that can be used. There is a
 17 parts warehouse in Albany, but I think that the --
 18 it's -- it's run by Historic Albany Foundation.
 19 The city ought to do that.
 20 Another area that ought to be
 21 looked at, that I've mentioned several times
 22 already, in -- in -- in past meetings, I was a
 23 student at the University at Albany, in the
 24 environmental studies department, and one project

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 2 that we ought to work toward zero waste, but I
 3 think with the city of Albany, it's garbage as
 4 usual. They're -- it's -- and -- and the city is
 5 in a position where they see the -- the landfill as
 6 a revenue source, and that's a contradictory
 7 situation. We -- we -- we should be trying to
 8 prevent garbage, not drum up more garbage.
 9 And as past members said, I think
 10 that this garbage crisis is very similar to the
 11 energy crisis, or the gas crisis. We've seen it
 12 coming for -- for decades. And every now and then,
 13 when it gets very bad, there'll be some small move
 14 to -- to -- to try to come up with some answers.
 15 But it's done usually after the fact. We need to
 16 work on that right now.
 17 The site that is proposed for the
 18 expansion, about seven acres, is land that has, I
 19 believe, a trash compactor or -- or a shredder and
 20 some roadways, but the -- there is about eight
 21 acres or -- or more that's a beautiful large dune,
 22 that John Wolcott and I snuck into the landfill
 23 several years back, and were up on there and were
 24 treated to a wonderful experience of turkey

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2 vultures landing in the trees all around us. It
3 was frightening somewhat, because they're very huge
4 birds, with six-foot wing spans, but it's -- it's a
5 very -- very beautiful dune, a long dune that runs
6 pretty much east-west, and I think that it has --
7 it has Pine Bush vegetation on it, and trees that
8 are a hundred and fifty years old. I think that
9 this is a valuable part of the Pine Bush that
10 should not be sacrificed for garbage.
11 A.L.J. CASUTTO: One more minute.
12 MR. ZIEMBA: I -- I ask the
13 D.E.C. to -- for -- for more time. The amount of
14 paper that we have to go through and read, I --
15 I've only skimmed parts of it, as related to what
16 I'm speaking about now. But I'd like to have the
17 time to -- to look at it carefully, and I think
18 that Peter Henner's request for an extension till
19 the end of January is reasonable.
20 I -- I -- I'd also like to be on
21 the record as very opposed to incineration. As bad
22 as landfilling is, I think incineration is even
23 worse, because it takes the garbage and -- and some
24 of it's converted to energy, but the rest is -- is

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2 public hearing notice.
3 Thank you very much, ladies and
4 gentleman. This -- this legislative hearing is now
5 concluded.
6 (The legislative hearing
7 concluded at 10:27 p.m.)
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2 pulverized and -- and vaporized, and we breathe it.
3 So I ask you for more time, but I
4 ask you also ultimately to refuse this expansion
5 and make Albany go back to the drawing board and
6 figure out some real ways to solve the garbage
7 crisis, not just burying it in the Pine Bush.
8 Thank you.
9 A.L.J. CASUTTO: Thank you.
10 All right. Is there anybody else
11 who wishes to make a statement who hasn't spoken
12 yet this evening?
13 (No audible response).
14 A.L.J. CASUTO: Let the record
15 reflect that nobody has so indicated.
16 So, that concludes the public
17 comments for this evening.
18 The record will be held open to
19 receive additional written comments until close of
20 business December 15th, 2008. All written comments
21 must be received by the Department by close of
22 business that date. Such written comments
23 submitted after today's legislative hearing should
24 be sent to the Department as explained in the

1
2 I, Nathan B. Roberts, do hereby certify that the
3 foregoing was taken by me, in the cause, at the time
4 and place, and in the presence of counsel, as stated
5 in the caption hereto, at Page 1 hereof; that before
6 giving testimony said witness(es) was (were) duly
7 sworn to testify the truth, the whole truth and
8 nothing but the truth; that the foregoing typewritten
9 transcription, consisting of pages number 1 to 172,
10 inclusive, is a true record prepared by me and
11 completed by Associated Reporters Int'l., Inc. from
12 materials provided by me.
13 _____
14 Nathan B. Roberts, Reporter
15 _____ Date
16
17 rnbr/tjmc/sue/plal
18
19
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23
24

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