

Resolution No. 217  
SCHUYLER COUNTY LEGISLATURE

Regular Meeting  
October 13, 2020

Intro. No. 18  
Approved by Committee MFR  
Approved by Co. Atty. SJG

Motion by Rondinaro  
Seconded by Harp  
Vote: 7 Ayes to 1 Noes  
Name of Noes Reed

RE: **OPPOSING THE CURRENT APPLICATION AS CURRENTLY SUBMITTED TO OPERATE A WASTE MANAGEMENT FACILITY IN THE TOWN OF CAYUTA, SCHUYLER COUNTY, NEW YORK – AS AMENDED**

WHEREAS, it has been reported in New York State Environmental News Bulletin and elsewhere that Alternative Waste Services Inc. (“applicant”) is proposing a waste management facility, to be located at 1313 Recycle Lane in the Town of Cayuta, County of Schuyler, State of New York, near New York State Route 13 and

WHEREAS, according to records of the New York State Department of Environmental Conservation (DEC), the applicant proposes to build a 10,575 square foot materials recovery facility that would accept municipal solid waste (MSW), construction and demolition debris (C&D) and source-separated recyclables, with a maximum daily throughput of 500 tons per day, which facility will include waste storage areas, a truck weighing scale, trailer staging area and an onsite wastewater storage tank, and a building for handling and storage of waste materials that will also have areas for office space, and

WHEREAS, according to DEC records, the site of the proposed facility is 100% Chenango Channery Silt Loam, which has been designated as prime farmland by USDA-Natural Resources Conservation Service, and

WHEREAS, the DEC limited public comment to no later than September 24, 2020, and

WHEREAS, while a Short Form Environmental Assessment Form (EAF) was completed, a coordinated review was not performed by DEC pursuant to the New York State Environmental Quality Review Act (SEQR), due to the DEC determination that the project was an “unlisted action,” nor was a full Environmental Impact Statement prepared and, a “negative declaration” is on file with that agency and,

WHEREAS, the County of Schuyler has adopted its Solid Waste Management Plan, the primary goal of same being to reduce the amount of waste within the county that is landfilled, and

WHEREAS, the County of Schuyler has adopted its comprehensive plan, which sets forth the following policy: “It is the policy of our County to be a community known for its diverse natural resources and environmental stewardship... Our cultivated environment is the result of agricultural practices that have shaped the land over centuries. These practices include farming, forestry and grape growing. Over time, we will strive to invest in our towns and villages in a manner that protects our natural environment, our farmland and our vineyards for future generations. In an effort to ensure a sustainable future... and foster community stewardship to prevent degradation of these resources,” and

WHEREAS, this comprehensive plan identified “concern for the protection of local water sources especially the aquifer” as a key issue for the Town of Cayuta, and

WHEREAS, the proposed project is within the aforesaid aquifer, and

WHEREAS, based on data provided by the Schuyler County Sheriff’s Department, between 2015-2020, the aforesaid State Route 13 has seen an increasing number of accidents in recent years, to wit, 58 accidents, 22 injuries, and 1 fatality, and

WHEREAS, some members of the public have expressed concerns that that this facility could have potential negative impacts on tourism, agriculture and human health due to truck traffic and air, noise, light and water pollution, as well as worries about the possibility of expansion, and

WHEREAS, in response to public concern, county officials have reviewed the documents submitted to DEC and noted areas of concern with the current application and/or DEC records, including apparent errors and/or inconsistencies, which appear to be unaddressed or insufficiently addressed by the DEC review, including the following:

- The submitted application documents state that, from the facility, waste would then be hauled by trash trucks, primarily to Seneca Meadows Landfill, located in the Town of Seneca Falls, County of Seneca, State of New York, this would require, generally that trucks travel northward, potentially passing through such Odessa, Mecklenburg, Hector and other local municipalities. However, subsequent media reports and statements made by Cayuta Town officials alleged that the applicant no longer plans to utilize Seneca Meadows Landfill, but, rather that waste would be hauled from the facility to the Chemung Landfill and/or the Steuben County Landfill, requiring travel to the west, potentially through other parts of the county. This would significantly change the Traffic Route analysis as provided.
- The project description notes that the facility will be 10,575 sf, however the drawings indicate that the facility will be 10,646 sf.
- Page 7 of the applicant's Engineering Report indicates "Recovered material, such as metal and tires, will be placed in 20 or 30-yard roll-off containers outside the facility. Space is available to accommodate up to ten roll-off containers." The site plan provided under Appendix H – Project Drawings, drawing C-2 only provides six dedicated spaces for roll off containers. Proper accommodations should be made for the remaining roll off containers to ensure there is no risk of groundwater contamination from materials within the containers.
- The DEC SEQR Short EAF – Part 1 contains several potential inaccuracies:
  - C.2.a – Schuyler County has a County-Wide Comprehensive Plan that was adopted in May of 2014 and amended in July of 2015.
  - C.2.c – Schuyler County has an Agriculture and Farmland Protection Plan that was adopted in 2008.
  - D.1.c – Phase 1 of the project was constructed in 2019, this would be an expansion of an existing project or use.
  - D.1.e – Appendix C – Building Layout, provides building drawings in two phases. The 1<sup>st</sup> part of the building has already been completed.
  - D.1.h.v. – The dimensions of the proposed dam, structure appear to be transposed or inaccurate.
  - D.2.h&I are not answered.
  - D.2.s – Notes that 10,500 tons is the rate of disposal/processing. The application notes that they will process approximately 500 tons per/day. In a 31-day month that leads to 12,500 tons processed per month.
  - E.3.f – Indicates that project is located in or adjacent to an area designates as sensitive for archeological sites, but there is no indication in the submitted documents that the New York State Historic Preservation Office has provided input.
- The addition of a potential 185 trips per day to the proposed facility poses the risk of additional traffic congestion and risk of an increase of accidents.

- Page 3 of the Operations & Maintenance Manual indicates that “Market values have the potential to fluctuate and if a material were to lose its market value it would be properly disposed of at one of the formerly listed landfills or other approved facilities.” This raises the possibility that, based on existing and projected recycling market conditions, the majority of the materials processed at this facility will be landfilled and not recycled, as would be, if such facility were to be properly designed, operated and approved, otherwise consistent with the county’s solid waste management plan.
- Under state regulations, it is prohibited to construct or operate a facility, or any phase of it without a DEC permit. As set out in the DEC Notice of Violation dated October 5, 2020, the applicant has conducted “clearing, grading, excavation and soil stockpiling activities” and “weekly site inspection reports dated between August 27, 2019 and September 17, 2020 indicated that construction activities continued despite the warning provided by the Department”, and

WHEREAS, a local legislature may pass resolutions on state and federal issues that are relevant to its citizens, to allow a local government to express a collective voice of the municipality, and to play an important role in the development of law and public policy throughout New York State and across the nation.

NOW, THEREFORE, BE IT RESOLVED that the Schuyler County Legislature notes its opposition to the current application as currently submitted and requests that the DEC reject same at this time, and

BE IT FURTHER RESOLVED that the Schuyler County Legislature requests that the applicant be required to submit a revised application to address these and other legitimate areas of concern prior to any decision on the project, and

BE IT FURTHER RESOLVED that the DEC reopen and allow an additional period of public comment on the application to address these and other legitimate areas of concern prior to any decision on the project, and

BE IT FURTHER RESOLVED that the DEC conduct a full, fair and exhaustive environmental review of this project, including a complete traffic study to address these and other legitimate areas of concern prior to any decision on the project, and

BE IT FURTHER RESOLVED that the Schuyler County Legislature requests that no approvals be granted for this project whatsoever pending satisfactory completion of the above, and

BE IT FURTHER RESOLVED that the Clerk of the Legislature shall transmit a certified copy of this resolution to the following: Governor Andrew Cuomo, DEC Commissioner Basil Seggos, New York State DEC Region 8, New York State Historic Preservation Office, Senator Tom O’Mara, Assemblyman Phil Palmesano, and such other and further officials as might be deemed appropriate and proper.

STATE OF NEW YORK                    )  
   ) SS:  
 COUNTY OF SCHUYLER                )

I, Stacy B. Husted, Clerk of the Schuyler County Legislature, do hereby certify that the foregoing is a true and exact copy of resolution duly adopted by the County Legislature on October 13, 2020.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of said County Legislature at Watkins Glen, NY.



*Stacy Husted*  
 Stacy B. Husted, Clerk

10/15/2020  
 Date