

APPENDIX B
TRANSCRIPT OF THE LEGISLATIVE HEARING HELD ON
MAY 16, 2006

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the application for permits to expand a landfill pursuant to Environmental Conservation Law (ECL), Article 24 Freshwater Wetlands and 6 NYCRR Part 663; Federal Clean Water Act - Section 401 (Water Quality Certification); ECL Section Article 27 (Solid Waste Management Facility Permit) and 6 NYCRR Part 360; ECL Article 19 (Air Pollution Control - Title V) and Part 200, et seq of 6 NYCRR; ECL Article 17 (State Pollution Discharge Elimination System - General Permit No. GP-02-01 for Stormwater Discharges from Construction Activity) and 6 NYCRR Part 750.

- by -

SENECA MEADOWS, INC.
DEC Application ID #: 8-4532-00023/00046

Legislative Hearing

May 16, 2006 - 7:00 p.m.
Seneca Falls Community Center
35 Water Street
Seneca Falls, New York 13148

Presiding: Helene G. Goldberger
Administrative Law Judge

KAREN J. WINTER, COURT REPORTER
Alliance Shorthand Reporters, Inc.
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Rochester, New York 14604

ADMINISTRATIVE LAW JUDGE: Hello. Good evening, everyone, and welcome to the Legislative Hearing on the application by Seneca Meadows for permits to construct a 178-acre expansion of the existing landfill located in Seneca Falls in Seneca County. I'm Helene Goldberger, Administrative Law Judge of Hearing and Mediation Services. My office works independently from the program and regional staff of DEC. Our sole purpose is to represent the Commissioner at hearings, such as this one, and prepare reports for the Commissioner in order for her to make decisions on applications. This hearing was noticed in the Environmental Notice Bulletin and the Reveille Between the Lakes April 20th 2006. In the applicant's view, SMI expansion application would take place in two stages. In the first stage, the Department would address the impacts associated with SMI Freshwater Wetlands Permit Application and the second stage, DEC would examine the impacts with all the other permits, solid waste, air and storm water. This process is proposed by SMI in order to avoid the large expenditures of the resources if the proposed plan to fill class two regulated freshwater wetland and a relocation of the Black Brook will not meet regulatory standards. An Issues Conference will be held on June 6th, 2006 at 10 a.m, at the Waterloo Holiday Inn located at 24 Mound Road, 414 in Waterloo, New York. The purpose of that session will be to discuss any issues between the staff and the applicants any raised by those who have filed petitions for party status.

While the public is invited to attend, only the applicants and any petitioners may actively participate. Based upon this meeting, I'll issue rulings and if so, what parties will litigate those issues. Petitions for party status are due on May 30th, 2006. Details for filing a petition are in the Notice of Public Hearing. At tonight's Hearing, you'll be able to comment on any aspect of the permit application as accepted by the Department for

public review on March 1, 2006. Written comments will be accepted by the Department until May 26th, 2006. Your comments this evening have the same weight whether made orally or in writing.

If you wish to speak and have not done so already, please fill out a registration card. If you have your comments in writing, please give them to me. Representatives of the applicant will be followed by DEC and then public officials that have asked to speak, and anyone who filled out the card will be given the opportunity to speak in the order that I received the cards. Please speak slowly and distinctly in order that the court reporter records your comments accurately. I would like to call SMI representatives.

MR. GENTILCORE: My name is Don Gentilcore and I am the District Manager for the Seneca Meadows Landfill. Seneca Meadows is proposing to expand its facility to allow us to continue to operate for an additional 14 years until, approximately, the year 2023. The facility will be designed, constructed and operated in a manner similar to SMI's current operation. While I stand up here as a spokesman for the company, I represent a team of people who are dedicated to the highest standards of environmental protection and a work ethic second to none, our employees. This dedication makes us the company that we are and I'm proud to represent them. I represent a team of technical consultants some of who are present here tonight and they have been hand picked for their expertise and the technical expertise they bring to the project. They've prepared the documentation to support the application which is actually on the back table over here. And I'm going to attempt to summarize their work tonight. At SMI, we pride ourselves on attracting and retaining the best people and our consultants are certainly a reflection of that practice.

I'll provide some background information about the facility and talk about the events which helped to shape the project and describe in general terms the project and supporting documentation which has been prepared to satisfy the regulatory and community requirements.

Seneca Meadows is the largest disposal facility in the State and provides over 15 percent of the in-state waste that was disposed of within the State. Our analysis indicates that there is a long-term deficit in MSW disposal capacity in New York State. This deficit of disposal capacity represents a public need for solid waste disposal, which can, in part, be satisfied with the proposed Seneca Meadows proposed expansion.

If I can direct your attention to the first board, I'll generally describe the facility. The site has been used for solid waste management since the late 1950s, serving as the primary disposal site for the Towns of Seneca Falls and Waterloo and the Villages of Seneca Falls and Waterloo, as well as local businesses and industries. Waste disposal operations occur wholly within Seneca Falls within the zoning class identification of M-2, which is the only zoning class identification within the Town that permits solid waste disposal. The current landfill footprints include the 108 acre Seneca Meadows landfill, as well as the 67 acre Southeast Landfill, which is here and north is actually to the left of the drawing here, Route 414 is in this vicinity right here. At the current fill rates, the site capacity is expected to be completely exhausted by early 2009. The facility maintains a tire recycling facility, in which 1.5 million tires per year are processed and recycled on site as a replacement for aggregate. A 11.2 MW landfill gas to energy facility, in which landfill gas collected from the site is used to produce electricity as well as a leachate management facility and other site support facilities. This site is ideal for solid waste

management operations as it contains many of the essential components, including suitable hydrology and geology, as well as direct State highway access to the New York State Thruway, an experienced local workforce and appropriate local zoning and community support.

We began the master planning process to identify expansion areas in the year 2000, shortly after we received our current operating permit, and we hired wetland experts to perform preliminary wetland assessments of all of SMI's landholdings, which at the time was over 1400 acres. As the results of the study became available, it became apparent that avoiding wetlands within the M-2 zone, which is essentially this area in here within the Town of Seneca Falls, would be impossible. And it's always been our intention to avoid and minimize wetland impacts throughout this process. With that we began preliminary discussions with the Town of Seneca Falls in 2002 regarding the possible need of rezoning additional areas within the Town of M-2 properties. In October of 2002, Seneca Meadows addressed the Town Board to request the rezoning of the Dove properties, an 858 acre property contiguous with the SMI facilities. The Town Board held a public hearing in November of 2002 to allow the public to comment on the repeal of the M-2 prohibition. And, at that time, the public was overwhelmingly opposed to the Town Board repealing the local law that is in place today. The Town enacted a local law which prevents the rezoning of additional lands to M-2, so to rezone it was basically a two-step process. First, the Town had to repeal the local law and then had to act to rezone property. Public was overwhelmingly against that and Seneca Meadows should look to the M-2 zone. The Town of Seneca Falls, by a vote of 4 to 1, denied the

request to remove M-2 prohibition. This forced us to reconsider our options within the M-2 zoned area.

So, with that, we began a more detailed investigation and considering some of the wetlands and natural resources up there, including a six volume wetland delineation study and a natural resource assessment, that was done to assess the habitat. Relative scores were developed based on these studies on the site and based on the studies, and essentially this area here, was determined to be the area of lowest relative ecological significance.

We then performed an on-site alternatives analysis, which would meet the stated project purpose and objective. SMI needs to continue critically needed landfilling operations at its current permitted rate of 6000 tons per day, and expand its operations close to its existing facility to take advantage of its existing infrastructure, as well as the experienced work force, and have at least 14 years of additional capacity that would allow us to identify and permit a new site. Based on this on-site alternative analysis, none existed that would remotely meet the stated objectives without impacting wetlands.

Using the information that we gathered through the numerous reports, we evaluated alternatives which would meet our project purpose, yet impact the lowest quantity and quality of wetlands on site. This is in the Draft Generic Environmental Impact Statement, one of the documents on the table.

We also undertook an extensive off-site alternatives plan which looked at fifty towns within a four county area. We evaluated over 2000 square miles, over 1.3 million acres, to identify sites which were more suitable than our current site. We used a

Geographic Information System, GIS, mapping process to evaluate the sites and all the potential alternatives that were identified all had other significant environmental impacts or restrictions, such as zoning, which led us back to the SMI site as the only feasible alternative.

So, this selected alternative results in the taking of 71 acres of the lowest quality of on-site wetlands and the realignment and enhancement of a portion of Black Brook. Most of the area to be impacted is located in an area which has been previously disturbed by remediation activities associated with the Tantalito Waste Disposal area, historical construction and mining activities, underground utility crossings as well as the construction of a previously permitted landfill.

Now, the main channel of Black Brook is a man-made waterway that currently crosses our facility, which is depicted here. It basically bisects the site on an east/west orientation and runs between the Seneca Meadows Landfill and Southeast Landfill. We're proposing to redirect this flow from the man-made channel into an existing tributary that flows to the north of the Seneca Meadows Landfill. So this is the Seneca Meadows Landfill, again 414 is here, the north is actually to the right of the board and Black Brook will be relocated towards an existing tributary, far north of the Seneca Meadows Landfill. Redirection will be performed completely on properties owned by SMI and has been designed so as to not result in an increase to the 100 year floodplain. SMI presented two alternatives to the relocation of Black Brook. The preferred one depicted on this board includes an enhancement of a 300-foot wide corridor around and along the realigned Brook, which will be a wetlands corridor promoting species diversity. This realignment will result in the enhancement of over 350 acres of wetlands and will

relocate the Brook back in its natural state, when you compare it to the straight-lined agricultural ditch as it currently exists. This is in the Proposed Realignment of Black Brook Engineering Report and its Appendices.

The wetland impacts will be further compensated for through an 585-acre wetland mitigation on the Dove property, which is presented on this board here. Proposed wetland mitigation will provide a diversity of restored and enhanced wetland communities. The Dove farm mitigation project will not only provide for a net gain of wetland habitat and diversity in the Black Brook drainage basin, but for the community to benefit by providing ecotourism and community environmental educational opportunities through the development of a nature center and trail system. When combined with the over 350 acres of enhancements, which will occur with the realignment of Black Brook, an over 900 acre restoration and enhancement opportunity will result, representing over a 12 to 1 ratio for the wetlands to be permanently taken. The success of the wetlands mitigation project will be ensured by a long-term monitoring and maintenance program, and Seneca Meadows will fully fund this effort.

Finally, the project proposed as it is represents several years of hard work and study by some of the best experts in the business and provides the State of New York with much needed disposal capacity, provides Seneca County with significant employment and tax revenue and provides the Towns of Seneca Falls and Waterloo with community benefits that will allow them to reduce or remove the tax burden to their residents. It also represents a substantial net gain in the wetlands within the Black Brook watershed and increases in diversity of the area while providing substantial opportunities for ecotourism. Seneca Meadows is proud to propose a project that has so many benefits

to the community in which we live and work and we look forward to operating this site in the strictest environmental standards that this community has been accustomed to for many years to come.

Thank you.

ADMINISTRATIVE LAW JUDGE: Thank you. Ms. Merchant.

MS. MERCHANT: Good evening, ladies and gentlemen. My name is Kimberly Merchant and I'm the Deputy Regional Permit Administrator, Division of Environmental Permits for the New York State Department of Environmental Conservation or Department in the Region 8 office in Avon.

I am here this evening to present the Department staff's position with respect to the issuing of the permits required by the Environmental Conservation Law of New York State for the proposed expansion of the Seneca Meadows Landfill. Prior to reading my written statement into the record, I would like to introduce the Department representatives that are attending tonight.

Regional Attorney, Mr. Paul D'Amato; our Regional Permit Administrator, Mr. Peter Lent; and the Division of Solid and Hazardous Materials Engineer overseeing the Seneca Meadows Landfill, Mr. John Swanson; the Regional Natural Resource Supervisor, Mr. Randy Nemecek.

The Department is convening the environmental review on this project in two stages. The applications before the Department and draft permits that are the subject of

this public hearing include the Stage 1 permits only. An Article 24 Freshwater Wetlands permit will be required to fill and disturb Class 2 Wetland and its adjacent area.

The expansion project construction activities will directly affect 71 acres of Class 2 State wetland, along with adjacent areas associated with the wetland, due to the landfill footprint. 1.67 acres of Class 2 wetland will be disturbed due to the relocation of utility lines. The Black Brook relocation project, which includes rerouting Black Brook to the north of the existing landfill, will include 19 acres of temporary disturbance to Class 2 wetlands and enhancements to 345 acres of Class 2 wetland resulting from selectively cutting trees and shrubs and increasing the hydroperiod.

Seneca Meadows is proposing a wetland mitigation project to compensate for the loss of the functions and benefits of the wetland to be filled and disturbed. The proposed mitigation project would restore approximately 388 acres of former wetland and enhance 157 acres of existing wetland on the 585 acre Dove mitigation project.

A federal Clean Water Act Section 401 Water Quality Certification will be required to certify that the project activities will not result in a contravention of the water standards adopted by New York State. The 401 Water Quality certification is triggered by the requirement for an individual Section 404 permit which will be required by the U.S. Army Corps of Engineers. Although the Department is reviewing the 401 Water Quality Certification, at this stage of the permitting, it's likely that we will reserve judgment on the final issuance of the 401 until after the detailed 7 Stormwater Sediment Pollution Prevention, or SWPPP, has been reviewed and approved. This will assure that

the plans are protective of the Class 2 wetland, the Black Brook, and natural resources of the State, such as the Montezuma Wildlife Refuge.

The Stage 2 permits will be reviewed in a subsequent public review and hearing process which will also be announced in the Environmental Notice Bulletin and the Reville Between the Lakes newspaper. The Stage 2 permits will include a Solid Waste Management Facility Permit for the 178 acre landfill expansion, and an Air Pollution Control, Title V, Permit Modification for the Seneca Meadows Landfill for the additional gas to be generated by the new expansion, and a State Pollutant Discharge Elimination System, General Permit No. GP-02-01 for the stormwater discharges from construction activity for the expansion, the Black Brook relocation and the mitigation construction project.

It is the Department staff's position that the Article 24 Freshwater Wetland Permit can be issued, with the addition of several special conditions to the permit. First of all, the Stage 1 permits will be contingent upon the issuance of the Stage 2 permits. Second, we will be including several special conditions which will assure the performance of the mitigation process. Third, we will be including special conditions which will permit better waste management in the Western Finger Lakes Solid Waste Management Unit.

This project, as proposed by the applicant, seeks to take a significant amount of the existing wetland acreage as part of the landfill expansion. DEC's regulations require, in order to grant a permit under those circumstances, the applicant must show that the project is their only practicable alternative, and that it has avoided and minimized wetland impacts as much as possible. It must further show that it can mitigate, or make

up for, any functions and benefits of the wetlands being lost that could not be avoided. With a large amount of wetland proposed to be lost, staff's concerns are significant, and the applicant was required to do extensive review and evaluation of alternatives, both off-site and on-site, to make its case to the Department staff. It also has proposed extensive mitigation to make up for what is being lost, and has pledged to protect that mitigation permanently by providing adequate funding to do so.

In the final analysis, staff believes this applicant has met its burdens and, therefore, staff is prepared to release the Wetland Permit. While it was not an easy decision to make, some of the many factors that went into the development of the staff position include the following:

The applicant has evaluated the full range of on-site and off-site alternative sites over the entire Western Finger Lakes Solid Waste Management Planning Unit. The applicant has evaluated on-site alternatives raised by the Department, and verified that the proposed action is the only practicable alternative that meets the applicant's objective;

landfills or other solid waste management facilities are extremely difficult to site and build because of the significant infrastructure and acreage needs, traffic access, site geology and soils, local laws and other restrictions, et cetera. These and other factors severely limit alternatives for this type of facility, where such restrictions do not exist for more typical residential, commercial and industrial development proposals;

the Town of Seneca Falls has denied the applicant's request to rezone the Dove farm to M-2 and the Town has repeatedly informed DEC that it does not want to rezone other areas within the Town for landfill development. As with this project, compatible

zoning is a challenge facing prospective sites across the State; there is and remains a significant need for environmentally sound solid waste disposal in New York State, and our regulations address social need and protection of public health as factors in this type of decision. The applicant will be held to providing the highest and best use of its landfill space to help further the State's solid waste management goals;

the facility meets important economic and social needs of the Town of Seneca Falls;

the fact that this is an existing facility rather than a greenfield site means that the property in this location has already been affected by this type of activity. Also, the total acreage required for a new greenfield site would be far more than this expansion to replicate the infrastructure;

the proposed expansion will authorize Seneca Meadows to operate for an additional 14 years. Based on the review of the other greenfield landfill sitings, at least 14 years will be required for Seneca Meadows to site and permit a new greenfield landfill, and thus, continue their business;

many additional acres, about 150 acres of wetland to the north of the existing landfill, are being avoided and will be permanently protected by conservation easement;

the mitigation being offered supplies about five acres of enhanced wetland for every acre being lost, and all will be permanently protected and cared for with funding by the applicant;

Seneca Meadows has been a permittee in good standing for several years and their record reflects a commitment to sound environmental practices.

After considering these and many other factors, the staff of the New York State Department of Environmental Conservation believes that the Seneca Meadows project, as designed and as limited by the terms of the draft permit, will meet all applicable State statutory and regulatory requirements associated with the Freshwater Wetland Permit and, therefore, the Permit can be issued.

It is estimated that a Draft Permit will be available two weeks prior to the Issues Conference, which will be held on June 6, 2006. The permit can be requested from the Department by contacting me directly at 585-226-5392. This contact information is included in the Hearing Notice. Also, my business cards are available at the door as you walk in.

That's it. Thank you for your time and attention.

ADMINISTRATIVE LAW JUDGE: Thank you. Diana Smith.

DIANA SMITH: My name is Diane Smith. I'm the Mayor of the Village of the Seneca Falls and I believe that many of my concerns were most adequately addressed a few minutes ago by the Regional Director of the DEC. For the record, I'd like to submit the following statement: At the March 2006 Village of Seneca Falls Public Meeting, a resolution was adopted approving language and directing submission of a letter of support to the DEC and to the U.S. Army Corps of Engineers on behalf of SMI, Seneca Meadows Landfill. As Mayor of the Village of Seneca Falls, I'm here tonight to address

you on behalf of the Board of Trustees and since each member of the Board represents what they truly believe, are the concerns of a majority of the residents within their individual wards within the Village. I'm confident that I effectively represent the concerns of the Village of the Seneca Falls community. Prior to our March 2006 Board meeting, I became aware of the need for DEC and U.S. Army Corps of Engineers approval of the proposed landfill expansion and wetland creation that we're discussing tonight and I personally drafted a letter of support taking in my many community roles as a resident and investor in the community, as a parent raising four children in the community, as a community leader responsible for protecting the future of the Village. My resulting words were based on two main factors: Comfort with the proposed plan to create wetlands that would benefit the residents; and knowledge of the community minded professionalism and vital wisdom evident in the way SMI has conducted business within SMI and our entire community. So, I would like to read that letter into the minutes of these proceedings.

The Village of Seneca Falls would like to declare its formal support of the pending application by IESI/SMI Seneca Meadows Landfill based on the witness of this administration and our knowledgeable staff who have worked with the management. The landfill, the SMI management team has demonstrated a sincere conscious concern for maintenance of the landfill under what appeared to be the strictest environmental standards. Creation of the original Seneca Meadows Landfill actually precedes the birth of many residents of the Seneca Falls community. Its existence is not a matter of debate. Its care and maintenance, however, are determined by the integrity, the professionalism, and the qualifications of those who maintain it. The IESI/SMI management team has

clearly exhibited those characteristics. We can think of no better shepherd for a landfill in our community than SMI. There are many direct benefits of the existence of the landfill that are often overlooked. It's one of the largest employees in the County and its generosity in supporting community projects and the tax base is a well recognized support. The promise of the nearby industrial growth as a result of the energy generated by the landfill is also incentive to support it, a hydroponics greenhouse is an exciting eminent development creating an anticipated one hundred jobs in the community. More important than the economic incentives, however, are the concerns of those who care about the future of our environment and the long-term impact of land use and management. The scientific environmental and ecological approach utilized by the SMI management team appropriately reflects these concerns of our residents. As Mayor, I'm pleased to relay the Seneca Falls Village support for SMI, expressing our confidence that their application for expansion enables them to continue their exceptional operation at Seneca Meadows and, therefore, best serves the Seneca Falls community. These words were not simply the opinion of one individual who has been impressed and who has faith in the quality of the business ethics of IESI/SMI. The resolution to support this decision was unanimously supported and adopted by the Board of Trustees of the Village of Seneca Falls. We've remained united in our support of Seneca Meadows application for approval and ask that this be given the full endorsement of the New York State DEC, which it has, and the Army Corps of Engineers, collectively. It's our belief that the proposed project is good for the environment, good for business, and good for the community. Thank you.

ADMINISTRATIVE LAW JUDGE: Thank you. Tom David. Is Mr. David here? Nope. Jim Terryberry.

MR. TERRYBERRY: Good evening. My name is Jim Terryberry. I'm a Town Councilman and I have a statement prepared by Peter Same, the Town Supervisor, who could not be here tonight. The subject: IESI/Seneca Meadows Landfill Expansion. To whom it may concern: The Town Board has submitted a prior letter of support for the proposed expansion. Unfortunately, I will be out of town and not able to attend the public hearing and have asked my Deputy Supervisor, James Terryberry, to read and enter into the record my letter of support for this major project.

Seneca Meadows has been an outstanding partner with our community. Back in the '90s, the Town created the current M-2 zone in which they operate. In the 98-99 time frames, the Town and SMI developed a Host Community Benefit Agreement that permitted their current expansion with a life expectancy through 2010. SMI is a great neighbor and has been and continues to be a significant economic influence to Seneca Falls and Seneca County. Recently, a benefit agreement has been put in place with the Town of Waterloo.

Our Town will not allow additional M-2 zoned areas and would expect SMI to maximize the current zoned area. We believe their expansion proposal meets our overall planning objectives and will give our community the opportunity to negotiate future economic benefits for our residents.

The Seneca Falls Town Board strongly supports this expansion. Sincerely, Peter W. Same, Town Supervisor.

ADMINISTRATIVE LAW JUDGE: Robert Shipley.

MR. SHIPLEY: Good evening. My name is Robert Shipley and I'm Chairman of the Seneca County Board of Supervisors. As Chairman of the Seneca County Board of Supervisors, I would like to declare my formal support for the pending Seneca Meadows Landfill expansion. The continuation of the operations at Seneca Meadows serves the best interest of Seneca County as it provides substantial employment opportunities as well as significant community benefits in the form of direct monetary assistance to the Towns of Seneca Falls and Waterloo and donations to other community facilities and activities. In a rural community that has experienced significant job losses and economic hardships over the past 20 years, it is imperative that we retain quality businesses, such as IESI/Seneca Meadows. With the continuation of the landfill operations, Seneca Meadows will attract more businesses to the area, spurring economic growth, expanding the local job market and increasing tax revenue for the Town and County.

On behalf of the County of Seneca, I respectfully request that the New York State Department of Environmental Conservation consider the positive impact upon the economic conditions of Seneca County as well as the positive benefit to the environment and approve the expansion of IESI/Seneca Meadows Landfill. Thank you.

Also, I have another brief statement in my duty as one of the three representatives from the Town of Waterloo. This is from the Town Board of Waterloo who is holding their meeting tonight and could not attend.

The Town Board for the Town of Waterloo would like to declare its formal support of the IESI/Seneca Meadows Landfill expansion as proposed. It is the belief of

this Board that the continuation of operations at Seneca Meadows for the proposed term is in the best interest of the residents of Waterloo.

The health and safety of the residents of Seneca County and our environment is of the utmost importance. IESI/Seneca Meadows has consistently demonstrated a conscientious approach to waste management, maintaining an exemplary compliance record, and often going above and beyond the regulatory requirements.

We respectfully request that the New York State Department of Environmental Conservation consider the positive impact of this expansion upon the economic condition of Seneca County and approve the IESI/Seneca Meadows Landfill expansion application. Sincerely James Mooney, Supervisor, Town of Waterloo. Thank you.

ADMINISTRATIVE LAW JUDGE: Thank you. Dave Duprey.

MR. DUPREY: Good evening. I'm David Duprey and I'm a Village Trustee in Waterloo and I'm here without a prepared statement as a last minute fill-in for the Mayor of Waterloo who fell ill. I can speak in our support for the entire project. We feel that Seneca Meadows has been a very good neighbor to us in many regards and we feel as though the overall project will have a positive impact on the Village of Waterloo and, therefore, we declare our support.

ADMINISTRATIVE LAW JUDGE: Thank you. William Wayne.

MR. WAYNE: Good evening. My name is Bill Wayne and I'm here representing the Red Jacket Fire Department. As a citizen of Seneca Falls, I would like to go on record as supporting the landfill, not only because of the employees they employ, but also

the way they contribute to the community. As a member of the Red Jacket Fire Department, Seneca Meadows has done nothing but support our efforts to enhance the services to people we service. They have provided funds to purchase a hovercraft, that has been with us 10 years. We've had to rescue and save 20 people from the lake of Cayuga. About six years ago, we wanted to enhance our operation even more down at the lake by starting emergency medical services. We went on a fund drive to purchase a fly car to carry our medical equipment and Seneca Meadows, once again, stepped up along with the Town of Seneca Falls and helped us by generously donating to the purchase of the vehicle we now use. Just recently -- and it hasn't been publicly announced -- Seneca Meadows has stepped up again to help the Red Jacket Fire Department. I may be out of place, but I'm speaking on behalf of the Fire Chief, but I understand that Seneca Meadows just agreed to donate \$12,000 to purchase turn-out gear over the next three years. This is the type of business that we want in our community. Not only do they provide jobs but they support the community generously and, by approving the expansion and allowing them to responsibly continue with their operation in the future, it can do nothing but benefit the community as they support the community with generous donations. Thank you.

ADMINISTRATIVE LAW JUDGE: Thank you. Tom Rhoads.

MR. RHOADS: Thank you for the opportunity to provide public comment to this important environmental project. My name is Tom Rhoads and I am the Executive Director of the Onondaga County Resource Recovery Agency (OCRRA). We serve approximately 450,000 citizens in 33 municipalities, including the City of Syracuse, with trash disposal and recycling solutions. Everyday the operations of OCRRA handle over 2

million pounds of material. OCRRA operations must always be in strict compliance with all environmental requirements, and the agency places environmental stewardship at the heart of its core values.

In order to meet our public, State and federal operating criteria, OCRRA must use business partners of the highest quality. Please be advised in my 10 plus years as OCRRA's Executive Director, I have always found Seneca Meadows to operate at the highest level of environmental excellence.

Operating a landfill is no casual matter. In my experience and training, I have spent countless hours at solid waste disposal operations. Safe, environmentally sound operation of solid waste disposal sites is never simple. I have visited often Seneca Meadows, and I have always observed a well-run operation. OCRRA is a customer of Seneca Meadows and I can also attest that they absolutely require their customers to always be in strict compliance with all environmental regulations.

The project under consideration is important for you to approve. Seneca Meadows Landfill serves a critical role in the management of non-recyclable solid waste from all across the State of New York. Seneca Meadows is also a financially sound and capable company; a company that is able to undertake and complete the expansion project proposed. They have a huge investment in their assets, and their every action over the past decade has been to do the right thing. For example, they have developed a very effective landfill gas collection system, which properly captures and converts landfill gases into renewable energy. They took on the task of remediating the Tantalito waste disposal area, and have done a fine job of the curing that old environmental hazard.

They solved a significant disposal problem in Central New York by creating a process to convert the problematic disposal of tires into a beneficial use.

They dedicated the labor and equipment to run the landfill without allowing the migration of odors and litter. They've conducted all customer-scale transaction operations accurately and with integrity and honesty.

As New York State's largest landfill, there is no question that Seneca Meadows must not only meet environmental standards, they must be environmental leaders. The proposed expansion is a prime example. The expansion proposed will create significant environmental benefits. For OCRRA, the proposed expansion at Seneca Meadows means that we will likely not have to develop our own permitted landfill site, at least for the foreseeable next decade. And, allowing Seneca Meadows to expand likely will create real benefit for not having to develop other greenfield alternatives in the region as well.

OCRRA disposes of its waste to energy ash at the landfill. That ash is tested in accordance with the requirements of the New York State Department of Environmental Conservation and the ash has always tested as a non-hazardous solid waste. OCRRA is proud of these environmental test results and we make them available to the public in the annual report published and posted on our website at OCRRA.org.

Approval of this expansion will help the State of New York manage solid waste without exporting as much to its neighbors. Frankly, the proposed expansion offers tremendous environmental, social, and economic advantages to the 450,000 people served by OCRRA over other less desirable alternatives.

As described in the project plan, Seneca Meadows is proposing to impact 71 acres of regulated wetlands and, in exchange, restore, enhance and maintain approximately 585 acres of compensatory wetlands in the adjacent area. Their plans also suggest another 350 acre wetland enhancement along the Black Brook corridor. The net benefits to the environment by wetland compensation and improvement are significant. They are a reflection of a landfill's attitude to go the extra mile to improve the environment.

In consideration of Seneca Meadows' excellent track record, commitment to provide lasting enhancements to the environment, and their demonstrated capacity to deliver results, please consider this letter strong support of their efforts to pursue the above proposed project in order to meet critical landfill disposal capacity needs in an environmentally sound and cost-effective manner.

And, thank you again for the opportunity to provide public comment on this matter.

ADMINISTRATIVE LAW JUDGE: Thank you. Thomas Fox.

MR. FOX: My name is Thomas H. Fox, retired from law enforcement as Sheriff of Seneca County for 12 years. During that term of Sheriff, we developed a lot of programs for senior citizens of the community. As a matter of fact, 6,800 that we represented with a group called SALT which is Seniors and Lawmen Together. And again, it was a program that we put together for our seniors that brought better things for them, a better way of life to allow them to keep in the home and secure and safety in their home. Without Seneca Meadows' support behind us, it would have never been possible. Like everything else, it takes funding, but Seneca Meadows is far more important than

just a contributor. As 12 years as Sheriff, numerous times we called upon them to assist us in times of emergencies or fires or situations where we needed equipment and, not once, did anyone blink an eye. They were there, even without having to ask in some cases, they were there for support and they were there because they were a very important, critical part of this community. And again, speaking as a representative, we certainly support the expansion for Seneca Meadows and we would certainly love to see them continue with their operations for many, many years because they are a vital part of this community. Thank you.

ADMINISTRATIVE LAW JUDGE: Thank you. Doris Wolf.

MS. WOLF: Good evening. I wear so many hats. I feel like Bartholomew Cummings. I'm speaking to you as the President of the Canal Way Trails of Cayuga and Seneca. Canal Way Trail is part of the Erie Canal that stretches from Buffalo to Albany to Oswego to Ithaca and includes the Champlain, a canal trail. It runs right smack outside your window and is an important recreational and environmental part of our community. We are thrilled that Seneca Meadows Landfill has played an important role in a development of that portion called Vern's Way in the Village of Waterloo and we are looking forward to continued assistance by Seneca Meadows as we develop the Cayuga Seneca Canal Way Trail from Jennings to the Montezuma Wildlife Refuge. We are delighted that Seneca Meadows is going to redirect Black Brook, which has been a concern of the Montezuma Wildlife Refuge for several years because it drains into Montezuma. Montezuma is the largest tourism destination in this County. It attracts 140,000 visitors annually. And this wildlife refuge must be protected at all cost. But, by mitigating 600 acres of wetland and creating 600 acres of wetland restoration, Seneca

Meadows and IESI demonstrate their deep commitment to the environment and to environmental education. They will have a visitor center and nature trails. This will create another ecotourism destination in the County. How important is that? Well, I'm in charge of a bicycle trip that goes from Buffalo to Albany every year. It brings five hundred bicyclists to this area. They spend \$150 to \$300 a day in our community. 66 million dollars a year in bicycle tourism is invested in the Outer Banks of North Carolina. We want that money here. The Seneca Meadows Environmental Education Center will give bicycle tourists another reason to stay here. To stay in our bed and breakfasts and our Holiday Inns and Microtels and to visit our many other cultural attractions. The Katie Trail in Missouri attracts 150,000 users a year, one third of them out of town. They will come here to visit Seneca Meadows Environmental Center Visitor Center and Educational Trail. These are upper income, highly educated professional people. They are the kind of visitors we want. This educational center will be right next to the P&C where they can get the fresh food they want and up from the Holiday Inn and Microtel where they can stay overnight, so we are very, very excited about this wetlands project.

Seneca Meadows has long supported our youth. As the mother of a lacrosse player, I'm grateful. They donated to pay for the \$100 helmets that our lacrosse players wear. As a former 4-H leader, I'm excited that every year they support the sixth grade conservation days that have been going on for 39 years in which 350 sixth graders come together to learn about environmental educational at Samson. And, won't it be fabulous when they can come right here and not spend extra money on buses? And, as the author of the Waterloo Walking Tour Brochure, when we wanted to reprint the brochure, which

is given out to visitors to the community each year, Seneca Meadows didn't hesitate to help us with that.

We support this expansion and are delighted to have Seneca Meadows a part of our community. Thank you very much.

ADMINISTRATIVE LAW JUDGE: Dominic Christopher.

MR. CHRISTOPHER: I'm Dominic Christopher of the Seneca County Chamber of Commerce and we're here to support the expansion of Seneca Meadows Landfill to 2023. IESI /Seneca Meadows was selected as our 2003 Business of the Year. By definition, the Business of the Year goes to a business or organization in Seneca County that demonstrates a high level of customer service, is civic minded and has made an economic impact in the community. By this definition, Seneca Meadows is a perfect fit. They have only improved since 2003. Currently, IESI/Seneca Meadows is the fourth largest private industrial employer in Seneca County. It employs over 150 employees during its peak periods with an annual payroll of 7 million dollars. Approximately 100 of those employees live in Seneca County or within a 20-mile radius of the facility, therefore, retaining income locally to support local economy and government. Their host fees and locally purchased supplies and equipment provide an additional direct benefit to the local economy of 6 million dollars annually. Seneca Meadows makes a big financial difference in Seneca County.

The company has been a long-time member of the Chamber and given back to the community. In recent years, they have contributed \$250,000 annually to various organizations. The Town of Waterloo received \$150,000 for their highway barn in 2003,

the Waterloo, Red Jacket and Seneca Falls Fire Departments CanalFest, Convention Days, It's a Wonderful Life, St. John Bosco, Seneca County United Way, the Seneca County Sheriffs, Celebrate Commemorate and others have all benefited from their generosity.

The Chamber supports the company's expansion efforts. IESI/Seneca Meadows has reached a high standard that few companies can duplicate. They are a vital part of the local economy and are civic minded. They're not only a good neighbor, but they are a crucial part of the neighborhood.

Thank you.

ADMINISTRATIVE LAW JUDGE: Thank you. Robert Van der Stricht.

MR. VAN DER STRICHT: Good evening. I'm here tonight on behalf of Mark Deutschlander, who is the President of Braddock Bay Bird Observatory. He has written a statement that I will read.

This letter is intended to express a statement of support for the landfill expansion project in Seneca Falls, New York proposed by Seneca Meadows, Inc. The Braddock Bay Bird Observatory recognizes that environmentally safe strategies for waste disposal are required. Further, we recognize that Seneca Meadows has demonstrated its ability to operate an environmentally sound, state-of-the-art landfill at the proposed expansion site. Although the proposed expansion will impact 71 acres of wetlands and 3,800 linear feet of Black Brook, we feel that the proposed mitigation efforts to restore or enhance approximately 585 total acres in perpetuity are more than adequate to compensate for the losses. In fact, it is our opinion that the proposed wetland mitigation and realignment of

Black Brook will be a benefit to the environment rather than adversely impact it, particularly since the mitigation will create a large corridor of environmentally important habitat within the Black Brook watershed.

During the past several years, members of our Board have had the opportunity to tour the existing SMI landfill facilities and have witnessed first-hand SMI's efforts to safely handle the waste that we all have played a part in generating. We recognize the importance and necessity that good solid waste management has in our society and we appreciate SMI's dedication to responsibly manage waste while limiting environmental impacts.

Braddock Bay Bird Observatory is a non-profit 501(c)(3) organization dedicated to ornithological research, education and conservation based in Rochester, New York. BBBO is managed by a nine-member Board of Directors representing a membership of approximately 200. Our primary activities involve studying and banding migratory songbirds during spring and autumn migration each year. More information about the organization may be found at www.bbbo.org. Sincerely, Mark Deutschlander, Ph.D., President, Braddock Bay Bird

ADMINISTRATIVE LAW JUDGE: June Summers.

MS. SUMMERS: Thank you, Judge Goldberger, for this opportunity. On behalf of the Board of Directors of Genesee Valley Audubon Society, which is the local chapter of the National Audubon Society located in Rochester, New York, I respectfully submit to you the following statement for public record. We have reviewed both the New York State DEC and the U.S. Army Corps of Engineers Public Notices on the proposed project and are familiar with the project. I have personally visited Seneca Meadows Landfill site

several times, the first time over 10 years ago. The last time, I was at a Legislative Hearing for a proposed expansion of Seneca Meadows Landfill was probably about 10 years ago and we were very much against it at that time. Over the last 10 years, we've watched the management of the landfill improve significantly.

The wetland mitigation that Seneca Meadows has proposed is unprecedented in size and quality in New York State. Adding 575 acres of restored wetland and over 300 acres of enhanced wetland permanently in this area of the State will complement the Montezuma Wetlands Complex adding to the food supply, resting area, and nesting habitat for migratory birds. Additionally, this will create substantial wetland corridor within the Black Brook watershed. Based on the way Seneca Meadows currently operates its facilities, I believe that Seneca Meadows will do an excellent job in implementing the wetland mitigation project.

Seneca Meadows has solicited Genesee Valley Audubon to provide input in the design of the wetland mitigation, vegetative covering and habitat, as well as the final vegetative cover for the landfill with an emphasis on ground nesting habitat. This further illustrates Seneca Meadows' commitment to the environment.

In short, the Board of Directors of the Genesee Valley Audubon supports Seneca Meadows, Inc.'s proposed landfill expansion. We are familiar with their commitment to quality and know they will carry that forward into this proposed project. Seneca Meadows, Inc. serves a vital role of solid waste management for many communities in New York State. Unfortunately, our society does not seem to be reducing the amount of

solid waste it produces. Therefore, we will need the services of Seneca Meadows for many years to come.

ADMINISTRATIVE LAW JUDGE: Thank you.

MS. SUMMERS: Thank you very much.

ADMINISTRATIVE LAW JUDGE: Jane Shaffer.

MS. SHAFFER: Good evening. My name is Jane Shaffer and I'm here tonight as a business owner, multiple business owner. The first business I would like to speak on behalf of is Sessler Wrecking. We wanted to make a statement that we feel that IESI/Seneca Meadows is a very well run and respectable landfill that helps our firm retain a competitive edge in our industry. Our clients appreciate the attention to detail and the professionalism of Seneca Meadows. When your clients are comfortable and secure in the knowledge that their debris is being handled appropriately, it reflects favorably in our organization as well.

The other business that I represent tonight is the PETRO Stopping Center, which is a new truck business that just opened up within the last year. As one of the co-owners, we wholeheartedly support IESI and Seneca Meadows. This new business currently employs about 150 employees. Due to the close proximity of Seneca Meadows, this generates terrific fuel sales as well as sales tax revenues that Glen and Bob greatly appreciate and jobs and other tax revenues. Not only for the PETRO Stopping Center, but also for Seneca County as a whole.

The other hats I wear are community related and one of those is the co-chair of the Waterloo Memorial Day Committee Celebrate and the Healing Wheels Project. You'll notice that we have discreetly placed on every seat a Healing Wheels Brochure, which Seneca Meadows is the major sponsor of the American Field Memorial and they stepped up to assure the financial success of the Veterans Flag Memorial. They have enabled us to further educate those of Waterloo's heritage of the Birthplace of Memorial Day, which is on May 30th.

The other hat I wear is that of the daughter of Vern Sessler and you've heard Vern's way. When the Village dedicated that in honor of my father, Seneca Meadows stepped up, not only with manpower and materials, they wanted to make sure it was done Vern's way. And if you knew Vern, that is the way it had to be. I wanted to thank Carl and Don for their support to the family, to the community and also to our businesses, which create the livelihood and enables us to keep businesses and families here in our area. Thank you.

ADMINISTRATIVE LAW JUDGE: Thank you. David Swenson.

MR. SWENSON: My name is David Swenson. I'm a past President of the Seneca Falls School Board for nine years and I'm a past member of the Town of Seneca Falls Board of Education. I'm the past of several other things. My wife says sometimes I'm just past, you know, and that's all right. Being past isn't bad. I hope you're all enjoying this beautiful facility that you're looking at right here. This is because of Seneca Meadows and the job that Matty did and the people on the Board for negotiating the post agreement. None of this could be without Seneca Meadows. I personally, I'm past

President of Rotary, too, and every year I go out to the Meadows and I beg and they give me a couple of bucks and I can -- we could get by without that. And I'm co-chair of the Seneca County United Way Fund, and I go out there and they give us a couple of bucks, and we could get by without that. don't want you to get by without that, but we could get by without that. And I love the jobs, but the real reason why I'm supporting this is because I am an individual birder. It's a secret. I don't want to tell too many people. I love to watch birds. I also love to duck hunt, and these guys are going to give us 420 acres of prime duck breeding territory. We need that. And I'm just supporting this on a personal basis. With that, I'll say thank you very much.

Oh, and the reason why you saw the vast improvement in the operation of the landfill, Carl retired and Don took over.

ADMINISTRATIVE LAW JUDGE: Thank you. Glenn Cooke.

MR. COOKE: Ladies and gentlemen, my name is Glenn Cooke. I'm Executive Director of the Seneca County Industrial Development Agency and also keeper of the white deer. The IDA has authorized me to read the following: The Seneca County Industrial Development Agency has declared its formal support for the IESI/Seneca Meadows Landfill expansion as proposed. It is the belief of the Agency's Board of Directors that the continuation of operations at Seneca Meadows for the proposed term is in the best interests of the residents of Seneca County.

IESI/Seneca Meadows --

ADMINISTRATIVE LAW JUDGE: Mr. Cooke, could you slow

DoMR. COOKE: IESI/Seneca Meadows is one of the largest private sector employers in Seneca County, contributes over 4 million annually to charitable and community groups and local vendors, and regularly supports our emergency service organizations. The landfill expansion will not only ensure the continuation of these and other benefits, but will also enhance the possibilities for industrial growth in the County with the construction of IESI/Seneca Meadows Renewable Resource Industrial Park. Already this new park has successfully attracted its first tenant for the park which is expected to create 100 new jobs for our community.

While economic development is one the greatest concerns, the health and safety of the residents of Seneca County is of paramount importance. The IDA Board believes that IESI/Seneca Meadows has performed well in addressing waste management, maintaining a satisfactory compliance record and meeting regulatory requirements.

The Industrial Development Agency has requested that the New York State Department of Environmental Conservation consider the positive impact of the landfill's expansion upon the economic condition of Seneca County and approve the IESI/Seneca Meadows' application. This support is conditioned upon the landfill meeting all federal and State requirements. Thank you.

ADMINISTRATIVE LAW JUDGE: Thank you. Matt Feola.

MR. FEOLA: Good evening, everyone. My name is Matt Feola. I have lived in Seneca Falls for 44 years and I'm a former member of the Seneca Falls Town Board, and I served on that Board for 12 years.

Many things have already been said, so, Peter, I will make my comments very brief. I told Peter when I came in, about three or four minutes, I will make it in two. I'm sure many of you will be glad.

The expansion will allow the life of the facility into the year 2023, 14 more good and wonderful years and, for the next 14 years, the benefits to the community will continue, I'm sure. More jobs, Seneca County badly needs that. The benefit packages to the Towns of Seneca Falls and Waterloo will also continue and will be enjoyed by many. Hundreds of educational, service, and charitable organizations will continue to be supported. And so far, Seneca Meadows has contributed more than 4 million dollars to charitable and community groups. There are many other reasons that have already been cited and reasons we need to accept and approve Seneca Meadows Landfill expansion too numerous to mention.

So, let's extend an open-arm embrace to this well thought out expansion, which will create a great beneficial and positive impact to the entire community. So, ladies and gentlemen, please support the Seneca Meadows expansion application as proposed. Thank you for listening.

ADMINISTRATIVE LAW JUDGE: Thank you. Billie Luisi-Potts.

MS. LUISI-POTTS: I too constructed a very brief letter; it's a summary. As a village resident, property owner and executive administrative actively working in Seneca Falls, New York, I stand in support of the IESI/Seneca Meadows planned expansion.

You've heard a great deal of how Seneca Meadows has been an outstanding corporate citizen, actively supporting preservation, charitable, service, cultural, preservation and heritage organizations, including the one that I direct. The listing of projects this business has made possible or assisted in our area goes on for pages.

The renewable resource park, the planned wetlands preservation and education center provides innovative solutions, economic development, and environmental enhancement to our area. IESI/Seneca Meadows has brought 21st century leading-edge technology in the fields of waste management and renewable energy to our County, and through this expansion will continue to contribute to our economy and service institutions.

Thank you for your time and consideration. And just briefly, I'm listing the hats I wear this year as President of the Seneca County Chamber of Commerce, the outgoing President of the Rotary Club and the Executive Director of the Women's Hall of Fame. And I left a copy. Thank you for your time.

ADMINISTRATIVE LAW JUDGE: Wes Gregory.

MR. GREGORY: My name is Wes Gregory. I'm the CEO of the We-Care Holdings. I was getting ready to leave because they've had so much support, they don't need my support. As one of the larger employers, we have over 200 employees working for us, 150 directly involved in working for our company at the landfill in transportation needs, the average salary is probably \$50,000 and I've worked with the individuals at the landfill for over 10 years. We're the largest recyclers of biosolids in New York State and very aware of the conservation efforts that the landfill is doing and hope to participate

with the employees and management there for many years to come and I hope the application is granted.

ADMINISTRATIVE LAW JUDGE: Thank you. Michael Cleere.

MR. CLEERE: Good evening, ladies and gentlemen, your Honor. My name is Michael Cleere. I'm the Undersheriff for the Seneca County Sheriff's Office and I really appreciate the opportunity to speak tonight. I'd like to comment on the character of Seneca Meadows and their staff. Seneca Meadows Landfill has been in operation since 1983 and are a large employer of people in our community. They've been around as long as I've been a police officer and I've always known Seneca Meadows to be a community-minded business who supported public safety over many, many years. Seneca Meadows has supported our community and many public safety programs such as Halloween safety, donations to emergency equipment, to the Sheriff's office and many other public safety organizations. They've always cooperated fully with law enforcement.

I would like to recall an incident a number of years ago where we worked on a case with Rochester involving a missing young child, Kali Poulton, and we received information that there may have been valuable evidence that may have been dumped in refuse and ended up in Seneca Meadows Landfill and we contacted the staff and they immediately stopped operation in the area and went through their records. They were able to tell us exactly where the loads that came from East Rochester that we were looking for and spent several days working day by day with us providing manpower and looking for important evidence that turned out to be a homicide case.

Personally and professionally, I support Seneca Meadows Landfill and all the business ventures. Thank you very much.

ADMINISTRATIVE LAW JUDGE: Gary Neilson. Mr. Neilson. Donald Wichen.

MEMBER OF THE PUBLIC: He left, your Honor.

ADMINISTRATIVE LAW JUDGE: Thank you. I don't have any more cards. Is there anyone here who wants to speak and has not done so already? If anyone who has spoken has a copy of the statement that they have not turned in and can do so, that would be great assistance to the court reporter. If there is no one else who wants to speak, I'll adjourn the proceedings and I thank you for attending. Thank you.

CERTIFICATION

STATE OF NEW YORK:

COUNTY OF SENECA:

I, KAREN J. WINTER, being a Certified Shorthand Reporter and Notary Public in and for Seneca County, New York, do hereby certify that I reported in machine shorthand the comments of the public in attendance; and that the foregoing pages were typed by computer-assisted transcription under my personal supervision and constitute a true record of the testimony in this proceeding.

I further certify that I am not an attorney or counsel of any parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action.

WITNESS my hand in the Town of Waterloo, County of Seneca, State of New York.

Karen J. Winter, Court Reporter