

APPENDIX B

Scoping Meeting Transcript

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FREWSBURG HIGH SCHOOL AUDITORIUM
26 INSTITUTE STREET
FREWSBURG, NY 14738

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
PUBLIC SCOPING MEETING

- - -

IN RE: SEALAND WASTE, LLC
CARROLL C&D LANDFILL EXPANSION

WEDNESDAY, FEBRUARY 23, 2011
6:30 P.M.

- - -

SPEAKERS:

DAVID DENK
NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

JOSEPH BREE
SEALAND WASTE, LLC

1 MR. DENK: Good evening, everyone. My name
2 is David Denk. I'm the Regional Permit Administrator for
3 the New York State Department of Environmental
4 Conservation, Region 9. Because of our role overseeing
5 the design, construction, permitting and operation of
6 landfills, DEC is the lead agency under the State
7 Environmental Quality Review Act, also known as SEQR. As
8 lead agency, we are responsible for the environmental
9 review of this project.

10 Sealand Waste is proposing to purchase a
11 54-acre parcel which contains the closed Carroll
12 Construction and Demolition Debris Landfill. Sealand
13 proposes to construct and operate a new construction and
14 demolition debris landfill about 38 acres in size.

15 Waste from the closed landfill will be
16 removed and placed inside the new landfill. The landfill
17 plus buildings, access roads, leachate storage facility
18 and storm water management structures totals about 46.5
19 acres. The landfill will only accept construction and
20 demolition debris waste, also called C&D, as defined by
21 the State's solid waste regulations, at a rate of 1,000
22 tons per day.

23 In addition, Sealand proposes to recycle
24 demolition debris and compost yard waste at the facility.
25 You'll hear more about the project details in a few

1 minutes.

2 We are near the beginning of an
3 environmental review process for this project. A draft
4 scoping document has been created. It can be seen at the
5 Carroll Town Hall, 5 Main Street, Frewsburg, and the
6 Myers Memorial Library, 6 Falconer Street, Frewsburg, and
7 at the DEC Allegany and Buffalo offices.

8 The draft scoping document contains
9 information on the potential environmental impacts and
10 concerns that have been identified for the project so
11 far. It also discusses preliminary mitigation measures
12 and options that should be incorporated in the landfill
13 design and operation in order to eliminate, minimize and
14 manage those issues. The information in the document and
15 information we learn tonight is the basis for the outline
16 of the draft environmental impact statement.

17 Thanks for coming here tonight to learn
18 about, think about, and perhaps comment on Sealand
19 Waste's landfill proposal.

20 I'd like to turn the presentation over to
21 Joe Bree from Sealand Waste for a presentation about the
22 proposal.

23 MR. BREE: Welcome, everyone. We really
24 appreciate you coming out tonight. I know your schedules
25 are busy. We so appreciate you coming out to listen to

1 our plan for the continuation and the development of the
2 Carroll landfill. My name is Joe Bree. I'm vice
3 president with Sealand Waste, so I will begin.

4 The Jones Carroll landfill is a 3-acre
5 construction and demolition debris, C&D, landfill that
6 was closed in 2006. Mr. Daniel Bree has entered into an
7 agreement with Jones to continue the development of the
8 facility. This development will include expanded
9 landfill constructed with composite liner and leachate
10 collection system; construction and demolition debris
11 recycling and yard waste composting.

12 The landfill is bounded by Dodge Road and
13 Sandberg Road here in the Town of Carroll. The current
14 site consists of a 54-acre parcel. It's rural with a
15 wooded setting. It's zoned AR-1, Agricultural-
16 Residential District 1. It's consisted of a 3-acre C&D
17 landfill, recycling and scrap storage area, soil borrow
18 area, storage barn. Previous activities include surface
19 mining, material recovery, C&D landfilling in-situ basal
20 soil liner, no leachate collection and soil final cover.

21 Our proposal is to develop an intragradient
22 landfill system through phased construction. The
23 existing waste will be placed in the new landfill with a
24 single composite liner system. Also, we will incorporate
25 waste stream management, leachate management, landfill

1 gas management, storm water management, environmental
2 monitoring and reporting, and lastly, closure and
3 postclosure funding.

4 This is a site plan of our landfill. As
5 you can see, there is ground-monitoring wells. There is
6 a perimeter road with a perimeter drainage ditch. Up in
7 the left-hand corner, you can see recycling and
8 composting facilities. There is four storm water basins;
9 the maintenance and the office building. There is two
10 surface water monitoring points, two leachate storage
11 tanks, a landfill gas treatment unit, the scale house and
12 the side entrance.

13 These pictures depict what the landfill
14 will look like in its early stages with the composite
15 liner system. The geomembrane and cushion geotextile and
16 the layered covered covering technology.

17 This is what the landfill will look like in
18 its final stage, the closure stage, where it's returned
19 to greenspace.

20 One of the most important things in
21 building this landfill is the waste stream management or
22 managing the waste as it's coming in. The purpose of the
23 waste stream management is to screen the waste delivered
24 to the facility and prevent the disposal of unauthorized
25 wastes.

1 This is done by checking waste material at
2 the scale, random detailed inspection of waste loads, and
3 inspection by the working face personnel at the site as
4 they place the waste. If the waste is found to be
5 unauthorized, it's rejected and it's reported to the DEC.

6 Understanding the waste stream. C&D waste
7 is debris generated during the construction, renovation
8 and demolition of buildings, roads and bridges. Typical
9 heavy materials include concrete, wood, metal, glass and
10 salvaged building components.

11 Typical authorized waste materials are
12 bricks, concrete and other masonry materials; soil, rock,
13 and other debris from land-clearing activities; wood and
14 wood products; wall coverings, plaster and drywall,
15 insulation, roofing shingles, glass, asphaltic pavement,
16 piping and plumbing fixtures and electric wiring and
17 nonhazardous componentry.

18 Typical unauthorized waste is putrescible
19 waste, hazardous waste, including waste exhibiting toxic
20 characteristics, liquid waste or sludges, radioactive
21 waste, lead acid batteries, medical waste, whole tires,
22 white goods or discarded vehicles, waste not transported
23 by a properly permitted hauler, friable asbestos, and
24 source separated yard waste.

25 These are the routes coming into the

1 landfill. From the north, traffic will be coming down
2 Route 60; from the east and the west, Route 17; and then
3 ultimately down 62 into the landfill area.

4 We plan on doing a traffic impact study,
5 and that's going to be an analysis of existing and
6 background traffic conditions. We will also look at
7 project development traffic conditions which will review
8 trip distribution and assignment, future build volumes,
9 operating conditions at intersections and highway
10 segments, accident analysis and safety considerations,
11 sight distance, and then it will also address any
12 mitigation measures that may be needed.

13 This graph shows the traffic during the
14 course of any given day at the landfill. We figure our
15 peak traffic times for vehicles entering the landfill is
16 going to be from 7:00 to 8:00 in the morning, at
17 lunchtime from 12:00 to 1:00, and then the later part of
18 the afternoon from 3:00 to 4:00. We expect 60 loads per
19 day, five leachate loads, and 15 to 20 vehicles from
20 employees and small deliveries.

21 Another important aspect of the landfill is
22 the leachate management. Leachate is contained in the
23 composite liner system. It's collected with a network of
24 pipes. It's temporarily stored on site and ultimately
25 transported to an approved wastewater treatment plant for

1 treatment. Run-on controls and final cover will minimize
2 leachate generation.

3 Also, we will be doing gas management. The
4 goal of the gas management is to effectively monitor gas
5 generation and treat the gas when required. We will be
6 installing gas-monitoring probes at varying depths in the
7 waste.

8 We will be sampling and analyzing the gas.
9 We will be monitoring the gas routinely by landfill
10 personnel that are trained in this monitoring. We will
11 be treating as necessary. All of this will be reported
12 to the DEC and the Town of Carroll. The reports will
13 include monitoring results and treatment efficiency.

14 These pictures show what the gas monitoring
15 and collection looks like at the landfill.

16 Also, we will be concentrating on storm
17 water management. The goal of storm water management at
18 the site is to protect Storehouse Run fisheries and all
19 surrounding waters. Storehouse Run, as you know, is a
20 trout-spawning stream. It's considered a high value
21 resource with special thermal discharge requirements.

22 We will be conducting a batch discharging
23 system created to satisfy discharge requirements of
24 Storehouse Run. This will insure segregation of contact
25 and noncontact storm water.

1 Our C&D Material Recycling Facility. The
2 purpose of the material recycling at this site is to
3 divert material from the landfill, utilizing it for some
4 other useful purpose. When appropriate materials arrive,
5 landfill personnel inspect the material and direct it to
6 the recycling area. Mobile equipment will process and
7 separate the useable materials and residue. The finished
8 products may be used on site or sold. Any unusable
9 residue will be disposed of in the landfill.

10 Acceptable materials for recycling are
11 concrete, glass, plumbing, fiberglass insulation, masonry
12 and brick, scrap metals, plastic, wood, aggregate, gypsum
13 paper, and asphalt shingles.

14 Also, we will be doing yard waste
15 composting. The purpose of the composting facility is to
16 accept yard waste from the Town of Carroll residents and
17 operate a composting process. Acceptable yard waste:
18 Leaves, small brush, wood chips, grass and discarded
19 Christmas trees. We will be designating a drop-off point
20 for this waste for the public. A finished product can be
21 sold as fine mulch or rich potting soil.

22 Through all of this, we will be developing
23 an Environmental Monitoring Plan, also known as EMP. The
24 purpose of the Environmental Monitoring Plan is to
25 confirm that all of the applicable elements and

1 procedures incorporated into the facility design are
2 working efficiently to ensure the safety and protection
3 of human health and our natural resources.

4 The EMP is required by the NYSDEC for
5 monitoring, reporting and inspection purposes. The EMP
6 also serves as compliance documentation for landfill
7 personnel. All of the reports are submitted to the
8 NYSDEC and Town of Carroll.

9 The Environmental Monitoring Plan defines
10 and identifies location of monitoring points, background
11 and existing water quality, sampling schedules, analyses
12 to be performed, statistical methods and reporting
13 requirements. Sampling will be performed on leachate,
14 ground water, surface water and sediment.

15 Lastly, we have Closure and Financial
16 Assurance. This is where funds are secured. The New
17 York State DEC annual reports require an update of cost
18 estimates for closure and postclosure activities. These
19 funds will be provided by Sealand Waste.

20 The closure is simply the ceasing of
21 disposal activities and capping the landfill. It
22 involves returning the site to greenspace and developing
23 a closure fund to assure proper closure of landfill
24 areas.

25 Also, there is postclosure, which involves

1 routine inspection, monitoring and reporting. And the
2 postclosure fund ensures that monitoring and maintenance
3 will be done for a minimum of a 30-year postclosure
4 period, or as determined by the DEC.

5 The contacts for the DEC are Mary Hohmann.
6 She is the Environmental Analyst 1 at the address up
7 there for the New York State Department of Environmental
8 Conservation. And also, Charles Cranston. You are
9 welcome to write these names and addresses down. Their
10 Web site is at the lower left-hand corner there.

11 That concludes our presentation. Thank
12 you.

13 MR. DENK: I would like to briefly describe
14 the SEQR process. This is the way the project and its
15 environmental impacts are analyzed and made public.
16 Right now, there is a draft scoping document, like I
17 mentioned before. This is available for your comments,
18 for your review and comment.

19 Information in the draft scope and the
20 things that we learn from you here tonight are the basis
21 for the draft environmental impact statement. There will
22 be another opportunity for public input when the draft
23 environmental impact statement is released for public
24 review.

25 Following a public comment period, the

1 final environmental impact statement will be prepared.
2 It will contain answers to the issues and questions that
3 are raised during the review of the draft impact
4 statement.

5 The final Environmental Impact Statement is
6 the primary source of information used by involved
7 agencies for the issuance or denial of any discretionary
8 permits or approval that are necessary for the project.

9 It also describes what the project sponsor
10 will do to minimize those adverse impacts to make the
11 project have less of an impact on the environment.

12 So we are here tonight to obtain your input
13 on the environmental impacts of the proposed C&D
14 landfill. Your comments will be documented by department
15 staff and in the stenographic record. Written comments
16 can be submitted until March 25, 2011, so you have about
17 a month.

18 Written comments can be given to us tonight
19 or can be sent to Charles Cranston or Mary Hohmann at
20 DEC, 182 East Union, Suite 3, Allegany, New York 14736.
21 Written and spoken comments are given equal weight during
22 this scoping process.

23 If you wish to speak, please make sure you
24 use one of the speaker registration cards. Print your
25 name and address and return it to one of the department

1 staff and they will get them to me. When I call your
2 name, come down here to speak, please. Limit your
3 comments to about five minute to give everyone a chance
4 to speak.

5 This really isn't a question-and-answer
6 session, but we are here to hear from you. Thank you
7 again for your attendance.

8 Our first speaker is Mr. Jack Jones, Town
9 Supervisor.

10 MR. JONES: Jack Jones, Town Supervisor. I
11 think the town has been very clear that we're not in
12 favor of this landfill. We believe the county is taking
13 care of the waste stream right now. The county has spent
14 tens of millions of dollars of our money to have a
15 landfill, and we believe that it's not in our favor to
16 have one in the Town of Carroll.

17 I think as the DEC knows, we have had many
18 problems with our water in the Town of Carroll due to
19 landfills. Every landfill that we have had has caused
20 problems with our water system. The DEC, at this point
21 in time, is spending upwards of a million dollars to help
22 us on our water system on the -- right now.

23 So I'm not -- we're not in favor of any
24 kind of landfill in the Town of Carroll, or expansion.
25 It has a negative impact on the environment and negative

1 impact on our water system.

2 We are very concerned. We need clean water
3 for the Town of Carroll, and that has been a huge problem
4 for us in the past. I do have some letters here, one
5 from our county executive, Greg Edwards, who could not
6 attend tonight. It's their meeting tonight for the State
7 of the Union so he cannot attend. I would like to read
8 this letter into the minutes here. It's addressed, Jack
9 Jones, Supervisor, Proposed C&D Landfill.

10 "I am writing this letter to be read at the
11 public scoping meeting for the Sealand Waste, LLC,
12 Carroll C&D landfill expansion. I would attend this
13 meeting in person to give these remarks; however, it's
14 being held on the same night and same time of our county
15 legislature meeting.

16 "I would once again like to express my
17 opposition to the proposed expansion of the Jones Carroll
18 landfill in the Town of Carroll. I am attaching a letter
19 that I sent to Mr. Steven Doleski, Regional Permit
20 Administrator, dated October 10, 2006.

21 "All of the concerns expressed in the
22 attached letter continue to be issues that necessitate my
23 opposition of the attempt to deliver a massive expansion
24 of a construction and debris landfill in the Town of
25 Carroll, Chautauqua County.

1 "As county executive for the last five
2 years, I have worked tirelessly to promote business
3 growth and expansion, the reduction of taxes, and the
4 protection of our natural environment.

5 "These efforts have been successful in
6 large part to the commitment of all of the 133,000
7 residents of Chautauqua County to these shared goals and
8 the necessary investment of time, energy and money in a
9 coordinated fashion to benefit the vast majority of the
10 county.

11 "Part of my efforts have been the careful
12 oversight of the Chautauqua County Landfill in the Town
13 of Ellery, the enhancement of our recycling programs and
14 protection of our open spaces.

15 "I have seen nothing presented in this
16 proposed commercial landfill that would assist the county
17 and its residents in pursuing these universally-supported
18 and proven goals. On the contrary, the imposition of a
19 commercial landfill that is a hundred times larger and
20 200 feet higher than the originally-permitted landfill
21 negatively impacts on all of the above goals and
22 objectives.

23 "Without attempting in this short
24 communication to address each failure, I will merely list
25 the following facts:

1 "Chautauqua County Landfill has the
2 capacity to handle the necessary in-county and much of
3 the out-of-county C&D material proposed for this new
4 site.

5 "Chautauqua County has invested tens of
6 millions of dollars in the construction and operation of
7 our county-owned landfill to assure that all of the
8 requirements of the NYSDEC are complied with and in many
9 cases exceeded.

10 "Chautauqua County has invested significant
11 revenues from the county landfill into the operation of
12 household recycling initiatives and safe disposal
13 initiatives.

14 "The price per ton for MWS and C&D at the
15 county-owned landfill offers significant business
16 advantages to local manufacturers and property owners
17 through its efficient operation and resulting lower-than-
18 average rates.

19 "The national statistics prove (and local
20 statistics confirm) that overall waste volumes are down
21 in some cases by 30 percent from recent-year averages
22 negating any need for expansion of additional stand-alone
23 C&D facilities to handle the needs of our county and much
24 of the surrounding regions generated C&D waste.

25 "The expansion of the Carroll Landfill will

1 negatively impact on the environment and the operation of
2 the county landfill. It would also increase the costs of
3 waste disposal by reducing volume and hamper our ability
4 to monitor the many closed municipal landfills that we
5 manage on behalf of smaller municipalities and thereby
6 harm each and every person and business in our county.

7 "To avoid any confusion in the above
8 comments, I state unequivocally that I oppose the
9 expansion of this closed landfill.

10 "Very truly yours, Gregory J. Edwards,
11 Chautauqua County Executive."

12 (Applause.)

13 MR. JONES: I have a letter here from Joe
14 Giglio. He is a member of the Assembly, addressed to
15 Mr. Charles Cranston.

16 "I am writing at the request of the Town of
17 Carroll regarding the scoping session for the application
18 of Sealand Waste, LLC, for expansion of the Jones Carroll
19 Landfill. It's my understanding that the scoping session
20 will provide an opportunity for the public to provide
21 input to the preparation of the draft environmental
22 impact statement, as required by the State Environmental
23 Quality Review Act.

24 "I am aware that the local jurisdictions
25 have expressed great concern about this proposed project

1 and its potential impact upon the community and the
2 surrounding areas.

3 "I believe that decisions on land use
4 planning are best left to the local government as much as
5 possible. I know that the current landfill would be
6 expanded from its current 3 acres to over 38 acres, and
7 the activities at the site would also be increased by the
8 addition of debris recycling and yard waste composting.

9 "This increase greatly concerns the local
10 population, and I urge the Department to assure that all
11 possible and potential impacts upon the environment are
12 carefully evaluated.

13 "I am aware that Chautauqua County has
14 prepared an approved Solid Waste Management Plan, and I
15 strongly encourage that the current application be
16 carefully evaluated by the DEC for concurrence with that
17 plan.

18 "Thank you for your attention to this
19 matter. Sincerely, Joseph Giglio, Member of Assembly."

20 (Applause.)

21 MR. JONES: Also, at the request of
22 Legislator Downey, our current county legislator, there
23 was a motion in front of the county legislature tonight:

24 "Whereas, Sealand Waste, LLC, of Rush, NY,
25 has proposed an enlargement of the existing C&D dump site

1 on Dodge Road, the Town of Carroll, NY, from its current
2 3-acre site to a maximum of 50 acres; and

3 "Whereas, this change has the potential to
4 burden local residents by increased traffic volumes of
5 heavy-duty trucks creating traffic safety hazards and
6 stressful damage to local roads and bridges and to the
7 Frewsburg Central School bussing routes; and

8 "Whereas, this action would present severe
9 ecological damage to local streams and woodlands,
10 including trout-spawning streams and nesting habitats
11 bald eagles, and potentially hindering an already viable
12 economic strength of tourism related to the established
13 Martz Observatory, which has existed for business over 50
14 years and encourages educational benefits and tourism
15 growth; and

16 Whereas, this proposed site could have a
17 negative impact due to the fact that it directly creates
18 competition for a similar site, the Chautauqua County
19 Landfill, located less than 20 miles north, which
20 provides the same opportunity for the disposal of similar
21 types of waste without the aforementioned negative impact
22 to the residents of the Town of Carroll, while also
23 presenting a benefit to the taxpayers of Chautauqua
24 County; and therefore let it be

25 "Known, that the Chautauqua County

1 Legislature stand with the residents of the Town of
2 Carroll and is opposed to the Dodge Road C&D dump site by
3 Sealand Waste, LLC, for the same reasons; now therefore
4 let it be

5 "Moved, that the Clerk of Chautauqua County
6 Legislature is hereby directed to send certified copies
7 of this motion to Governor Andrew Cuomo, U.S. Senators
8 Chuck Schumer and Kirsten Gillibrand, U.S. Congressman
9 Brian Higgins, NYS Senator Catharine Young, NYS
10 Assemblymen Joe Giglio and Andrew Goodell."

11 This was unanimous, folks. Talk about
12 bipartisanship.

13 (Applause.)

14 MR. JONES: I have one more letter. This
15 is my from neighbor, Jerry Hall, who actually lives right
16 across from the Martz Observatory.

17 "Please be kind enough to read this letter
18 to the people in attendance. I am extremely sorry I'm
19 unable to attend this hearing to express my vehement
20 opposition to the proposed landfill.

21 "I have been a tax-paying resident of the
22 Town of Carroll for over fifty years and have property on
23 Robin hill road, which if this permit is issued, will be
24 less than a mile from the proposed location. In my
25 opinion, the potential dust, dirt and odor will be

1 destructive to all of the residents of the Town of
2 Carroll.

3 "I have had the opportunity to examine a
4 similar landfill in Jasper County, South Carolina. The
5 landfill that I examined accepted the exact same
6 materials that are being proposed to be placed in the
7 Town of Carroll landfill, such as construction waste,
8 wood and drywall.

9 "In an article published in the Island
10 Packet, a newspaper serving Hilton Area, South Carolina,
11 explained that the odor being emitted from this site was
12 so pungent, that the management company, Waste
13 Management, Inc., installed an elaborate air-freshening
14 system that spurts bursts of piney-citrus scent in an
15 effort to mask the odor. One of the residents who lives
16 four miles from the site says it has diminished their
17 quality of life and has eliminated outdoor living.

18 "I truly believe if you take and draw a
19 four-mile circle around the proceeded landfill site, it
20 will encompass the majority of the Town of Carroll,
21 including the Village of Frewsburg, and will devalue all
22 of the real estate in the Town of Carroll 10 to 70
23 percent, depending on its proximity to the site.

24 "If the permits are issued allowing this to
25 take place, it would be my recommendation that a class

1 action lawsuit be brought against any and all issuing
2 organizations.

3 "I have enclosed copies of the local
4 newspaper article from the Island Packet in South
5 Carolina for your review. Very truly yours, Jerry Hall."

6 And I will put this in. The article here
7 is from the Island -- I will give you that too. Here are
8 these two.

9 And here again, I think we have a 2007 law
10 which is made to protect our water and our environment.
11 I think this law should be looked at hard, and I think
12 the DEC should help us and turn this permit down. Thank
13 you.

14 (Applause.)

15 MR. DENK: Mr. Gary Nelson.

16 MR. NELSON: I am Gary Nelson from the
17 Martz Observatory representing the Martz Observatory.
18 The observatory is located -- viewing the dump area that
19 is going to be less than a mile away.

20 My concerns are, first of all, we are a
21 State educational device. We are incorporated. We have
22 funding coming from State government and local concerns.

23 The observatory has been there for quite a
24 while. We have a research-grade telescope. We have a
25 research-grade camera system on it. A lot of people

1 don't understand the camera system. It's a CCD camera;
2 very sensitive to heat, dust and lighting.

3 There is concerns on my part that all the
4 dust and heating -- there can't be any heat coming off
5 this dump because that will give us wave and atmospheric
6 problems. Dust has to be down to almost minimum due to
7 the fact it could cost us a lot of money to have the
8 lenses recleaned and the telescope camera system working
9 properly. It's very sensitive to dust and environmental
10 issues.

11 Also, lighting will interfere. Our viewing
12 is in the west towards the dump. We don't do a lot of
13 viewing towards the east. The winds up there blow from
14 west to east. If you come up and look at the site, you
15 will find that all the dust and wind comes from the
16 direction of where the dump is going to be put in. This
17 could shut us down.

18 We are going to be connecting with the
19 schools. We are fully automated. It's one that the
20 Chautauqua County school systems are going to be able to
21 use. If this goes in and those demands aren't met, we
22 won't be able to operate. It will be as simple as that.
23 We will have to shut down because the sensitivity to the
24 cameras and the lighting is very, very important to any
25 of the astronomy.

1 We are quite a large group. If you go on
2 the Internet, we have a Web site. I gave you the card.
3 We have members from all over the country. We have
4 people that come in for this telescope all over the
5 country. It's kind of important. We are kind of a kept-
6 quiet group, but we will get fully automated, which we
7 are 99 percent there, which is the goal.

8 The State helped us; the County helped us;
9 the community foundation helped us; the factories and all
10 of the people around helped us, put in a lot of time and
11 money, and we have people that have built and did a lot
12 of work on this.

13 That site was picked for a simple reason:
14 It's one of the highest sites in Chautauqua County. We
15 go down about 6 to 8 feet and we are down to solid
16 bedrock. The telescope has to be mounted on something of
17 that nature because any shifting on the telescope would
18 throw the tracking devices that we track off. It's very
19 sensitive to tracking. That's why we picked that site.

20 It's also one of the darkest skies in
21 Chautauqua County. We have done research all over.
22 You're not going to find any darker skies. In fact,
23 people are impressed, even in the city. That's all I
24 would like to say at this moment.

25 (Applause.)

1 MR. DENK: Carol Pope.

2 MS. POPE: I'm Carol Pope. I live right
3 near the proposed site. One of the things that I and my
4 neighbors are greatly concerned with is the impact on our
5 neighborhood. This neighborhood is described in the
6 scoping document as rural/agricultural. That doesn't
7 begin to tell you what our neighborhood is like.

8 Our neighborhood is thriving. The dumpsite
9 is surrounded by residences; residences that have been
10 improved and maintained. Many of them in the last 10
11 years are newly built.

12 We take great pride on what is going on in
13 our neighborhood. Yes, we have large lots. Yes,
14 we -- we feel quite an emotional impact with this. But
15 it doesn't -- the scoping document doesn't begin to tell
16 you what is really out there on Dodge Road and Sandberg
17 Road, Anderson Road.

18 And the distance between us and Martz is
19 very small, as Gary made that point. And we do not want
20 to be displaced -- none of us do -- by the impact that
21 the expansion of this landfill will cause. It's the
22 wrong place, the wrong time, for all of us.

23 (Applause.)

24 MR. DENK: Raymond Pryll.

25 MR. PRYLL: Thank you. I live on Sandberg

1 Road just probably half a mile or so below where this
2 proposed landfill expansion could possibly happen.
3 Naturally, I am opposed to it. In addition, we also own
4 land almost directly across from the landfill.

5 I'm concerned about the noise. You know,
6 these vehicles will be going up quite a hill to get to
7 this landfill -- just the noise from those trucks alone.
8 The exhaust, what is that going to do to the air? The
9 water, what is it going to do to our water wells?

10 You know, we have lived there in excess of
11 40 years. Over the years, we have had a lot of
12 thunderstorms. A lot of water comes off that hill. What
13 is going to happen with these thunderstorms now? Where
14 is this water going to go?

15 I've spent quite a bit of money. In the
16 back of our house where the stream runs, it comes off
17 that hill. I'm concerned about the air quality. I'm
18 concerned about the wildlife. I'm concerned about what
19 is going to happen to our property values.

20 I'm opposed to it, and these are the
21 reasons why.

22 (Applause.)

23 MR. DENK: Wendy Whippo.

24 MS. WHIPPO: I just want to say that I can
25 glance out there, and I can see at least a handful of

1 people that have worked in the construction industry.
2 Many of you know that I do work road construction and
3 bridge construction.

4 Let me tell you, the materials that come
5 out of there and the drywall, I do not even walk in my
6 house when I go home. I take everything off. It goes in
7 a bag. My clothes don't get washed with my kids' clothes
8 because I don't want those materials near my kids.

9 There is no way to guarantee that that
10 liner isn't going to get a hole and it's not going to
11 leak into your water that your cattle are drinking out
12 of, that your kids are playing in, in the creeks. That's
13 something that needs to be thought about way in advance.
14 I absolutely oppose this.

15 (Applause.)

16 MR. DENK: Shawn Canon.

17 MR. CANON: Gary already addressed my
18 concerns.

19 (Applause.)

20 MR. DENK: Terry Carlson.

21 MR. CARLSON: I wrote a little bit because
22 I wanted to try to remember everything that I wanted to
23 go over. Back in 2000, I purchased an unfinished house
24 along with 25 acres of land. This is located at the
25 corner of Dodge and Sandberg Roads.

1 Little did I know that 10 years down the
2 road, that I, along with my unsuspecting neighbors, would
3 be facing a potential catastrophe of epic proportions.
4 Because of one man, all the good people who live in this
5 community will have their entire lives compromised and
6 disrupted.

7 Not only will we have to listen to 50 to 60
8 dump trucks per day rolling down our once peaceful roads,
9 but also breathe in the dust and contaminants. It is
10 impossible to check every load. People move to the
11 country for peace and quiet. That will all be taken away
12 from us.

13 One of our biggest concerns is how long it
14 will take before our well water becomes contaminated by
15 leakage and runoff. It's only a matter of time. Our
16 liners will eventually leak. There is always a chance
17 that the groundwater will be tainted or poisoned. The
18 dump borders on several people's backyards. How would
19 you like to live next to a dump?

20 This potential expansion will disrupt and
21 affect hundreds of people in a negative way. People and
22 wildlife may be harmed or killed as a result of long-term
23 effects. The people of Frewsburg have been fighting this
24 proposed expansion for last five years or so. No one
25 stands to gain anything positive from this except for one

1 person.

2 The negative impact far outweighs anything
3 good that can come out of this. The rest of the
4 community who are directly affected will be made to
5 suffer for one man's greed.

6 I plan on retiring in about four years.
7 Now, if this dump goes through, no one will want to buy
8 my property. All the time and expense that I have
9 invested will be lost if the dump is allowed to open and
10 expand. No one wants to buy property across the street
11 from a dump no matter how attractive it is.

12 Sealand Waste claims it will pay the
13 difference from fair market value. My home is unique.
14 There are none to compare it with. I have invested a lot
15 of money into my home and property.

16 What now? They may think they have a legal
17 right to open and expand, but I think DEC has a moral
18 obligation to the residents of the Town of Carroll that
19 our quality of life is not compromised for monetary gain.
20 Thank you.

21 (Applause.)

22 MR. DENK: D.C. Clement.

23 MR. CLEMENT: My question is to the DEC:
24 What does your counterpart in Pennsylvania have to say
25 about this? Have you guys talked to the Pennsylvania DEC

1 about the trout stream that flows into Pennsylvania?

2 MR. DENK: This really isn't a question-
3 and-answer session, sir.

4 MR. CLEMENT: I understand. That's my
5 question. Have they contacted Pennsylvania to see how it
6 would affect them, because the stream doesn't stop at the
7 border of New York State.

8 MR. DENK: We are concerned about the storm
9 water that gets in the stream.

10 MR. CLEMENT: I understand. You said you
11 haven't contacted Pennsylvania. It affects more than
12 just New York State and the residents in this town. Now
13 you are talking about two states that can be affected.
14 That would be my comment.

15 (Applause.)

16 MR. DENK: Herman Ruhlman.

17 MR. RUHLMAN: Thank you. I had an
18 experience that started with a landfill out in Medina,
19 New York; very similar, connected by Sealand Corporation.
20 And they started in the mid-70's. And a few years after
21 it was opened, they started accepting waste chemicals and
22 oils. And they were buried and dumped on the land.

23 When the adjacent properties finally got it
24 in their water wells, it was closed down. It was legally
25 permitted by EPA when it started, but it was closed down.

1 It became a Superfund site, and there was a \$20 million
2 cleanup for it.

3 The way I got involved with it, when they
4 were digging out the barrels, they found a barrel that
5 had "Spartan" on it. I own Spartan Tool Company in
6 Sinclairville, New York. I got a legal document that
7 said they were suing me for \$20 million. And I didn't
8 even own the company back then.

9 I was hassled by their attorneys for about
10 10 years. They came back to me in 2001 -- it started in
11 '91 to 2001. In 2001 they said that they wanted me to
12 sign a letter because the statute of limitations was
13 running out and they weren't ready to take me to court
14 yet, so they wanted me to sign a letter that said they
15 had 20 more years to do this.

16 Now, at the time this happened in the late
17 '70s, there were 36 Spartans listed in New York State.
18 There is a Spartan Chemical Company about ten miles from
19 this landfill site. But I was included because I owned a
20 company named "Spartan." Even though I didn't buy it
21 until 1986, they wanted to go way back to any insurance
22 policies or sales records, anything.

23 I did not sign the form. And I questioned
24 what they were going to do. They said they would sue me
25 now. I said, "For how much?" They said, "The whole \$20

1 million." I said, "Go ahead."

2 I don't want to see that happen here. They
3 destroyed people's water wells and adjacent properties.
4 Most of the land around here is gravel. If they do have
5 a problem or start accepting stuff, when somebody is not
6 looking or paying attention, it's going to ruin our water
7 system. Even a \$20 million Superfund site is not going
8 to fix it. Thank you.

9 (Applause.)

10 MR. DENK: Robert Anderson.

11 MR. ANDERSON: Thank you. I am Robert
12 Anderson. I live in Frewsburg. I am a former county
13 legislator representing this district. And the first
14 time a hearing was held in this facility right here by
15 the DEC, I appeared and stated my objections. I was
16 chairman of the public facilities at the county level.
17 And public facilities, of course, is what runs the
18 landfill site, the county landfill site.

19 I asked them to write a letter to the DEC
20 explaining our objections to the developer of this site
21 by Sealand Waste, which they did. And the objections
22 have already been stated by Mr. Jack Jones and others,
23 the current legislator from the district and so on.

24 We spent about \$10 million in constructing
25 a power plant facility at the landfill site to make use

1 of the methane gas that comes off of that site. Some of
2 that money was funded by some federal monies and state
3 monies that went into the development of that project and
4 mostly county monies to benefit the people of Chautauqua
5 County so that your rates at the landfill would be much
6 lower.

7 That facility is up and operating.
8 Development of this site would bring about competition by
9 a large company, and we all know that a large company,
10 when they come in, they can undercut their competition
11 and take losses for a while if they have to, and then
12 when the competition is done with, they jack their rates
13 up. So there is a tremendous incentive there for them to
14 do something of that nature. That's one of the reasons
15 why the County objected to it.

16 And I was going to say a lot more. But
17 unfortunately for me, I don't have to stand up here and
18 talk too much longer because a lot of what I had to say
19 has already been spoken by many of the residents and our
20 town supervisor.

21 This should not be allowed. The county
22 objects to it for environmental reasons as well. And
23 many of those objections have already been cited by
24 others.

25 I would make one comment about the

1 presentation. I noticed during the presentation that
2 they mentioned the collection of methane gas, but they
3 didn't say what they were going to do with the
4 collection.

5 Usually, what happens is they burn it off.
6 When they burn it off, there is going to be heat coming
7 up from that area, and it's going to adversely impact the
8 observatory. I guess that's about all I have to say at
9 this time.

10 (Applause.)

11 MR. DENK: Jerry Eklund.

12 MR. EKLUND: Thank you. I am Jerry
13 Eklund. I am owner of C&R Construction, and I'm also
14 board president of The Relief Zone down here at the
15 corner at the old church. So that's really the issue I
16 want to address. I do appreciate the opportunity. I
17 think it's good and healthy.

18 The Relief Zone, for many of you people who
19 know what is going on -- I think the bulk of Frewsburg,
20 Town of Carroll, does not -- in any given week there is
21 between 300 and 500 young people that are housed in that
22 building at different times of the day starting in the
23 morning at 6:00, 6:30 in the morning until school
24 starts.

25 After school, 2:30, 3:30, it includes young

1 kids, grade school; it includes high school and junior
2 high school for tutoring programs and a number of other
3 things. There are special-needs adults that use this
4 facility.

5 It is used continually, including church
6 for one organization on Sundays. I think it's seven days
7 a week this building gets used on the five corners right
8 here.

9 Our main concern, I believe, is safety, if
10 nothing else. If I counted right on the number of
11 trucks, right around 90 with the pickup trucks and all
12 that. You have 90 vehicles a day and twice a day during
13 peak times. That bothers me a lot.

14 I complained about it the other night. I
15 was sitting with my son, and I said, "This is a prime
16 example of what we are going to be getting into." Add
17 100 more trucks, 80 to 90 more trucks, and the bulk of
18 them during the peak times, you are going to have a real
19 problem.

20 I'm not sure how they are going to address
21 that, what they can do with that, but something
22 definitely needs to get done. Besides the environmental
23 impact, it has a very strong safety impact and a
24 congestion here in a small town.

25 Now, having addressed that, being a

1 businessman, I'm not opposed to having a C&D Landfill.
2 We need to have places to get rid of our refuse. I will
3 argue both sides of "Not in My Backyard." I do not think
4 anybody else should be taking my stuff in their backyard
5 from our township, our county. By the same token, I
6 don't think anybody else should have the right to bring
7 that into our township.

8 It is well-stated by the letters and by Bob
9 Anderson here, we have a really good facility already in
10 process. The needs are being taken care of. As a
11 contractor, we need a place to get rid of our stuff.
12 It's being well-cared for at a very competitive price.
13 So that's one issue.

14 The other thing is, as things need to grow
15 and expand, I cannot believe in this day and age there is
16 not a much, much better site away from any little town --
17 not just the Town of Carroll, Village of Frewsburg, but
18 any town or any city, that you can't find a spot in this
19 state and multiple spots that can be developed.

20 I understand some of the reason they are
21 going after Jones Carol is because it is already
22 permitted. Don and Mike, I think, are great people. I
23 think they had run a very good facility when they had the
24 landfill and their recycling. And what they do up there
25 in their new building, they do a class job.

1 When they took over the old Treadway
2 (phonetic) service down there for garbage and refuge,
3 they really picked it up and cleaned it up and they run
4 it very well.

5 So there is two sides to this. I don't
6 want to sound that we have sour grapes against the
7 individuals. I realize it's a rock in a hard place for
8 us as a community, and it's a rock and hard place for the
9 Joneses.

10 Having said that, there are a lot better
11 places and better ideas that can be done. The
12 postcleanup and time, the 30 years, concerns me, and he
13 says, "And maybe after." But you know, 30 years is going
14 to go by so fast.

15 We have some young people in here from
16 school to get extra credit or whatever. But 30 years to
17 them is going to go so fast, they are still going to be
18 probably twenty years younger than I am right now.

19 So that's a concern from here on, what
20 takes place. And as somebody mentioned, the DEC, with
21 the water wells and stuff has had to come in, my
22 understanding, DEC money, that is public money. So
23 ultimately, we pay for that anyway.

24 Sealand, anybody that has a business, has a
25 certain amount of bonding and responsibility. But once

1 things are over, just remember who is going to be paying.
2 And that goes on forever once it's started.

3 Again, I thank you for your time and I
4 appreciate it.

5 (Applause.)

6 MR. DENK: Susan Kalfas.

7 MS. KALFAS: I would like to express thanks
8 for the opportunity to address this group and to discuss
9 the issue of the proposed landfill expansion. This local
10 issue seems to be an example of the pervasive tendency
11 currently in the United States, to act in favor of short-
12 term benefits at the expense of grave, long-term
13 consequences.

14 Other advanced and prosperous countries,
15 some of them countries friendly to us and cooperative
16 with ours, are recognizing the urgent importance of
17 planning for future generations many decades from now,
18 and the fact that construction materials are going to be
19 needed and to not simply be plowed into a landfill.

20 For example, in Germany, more than 80
21 percent of construction waste are recycled and it's
22 illegal to put waste, wood and concrete from construction
23 demolition into landfills. The possibility of leakage of
24 toxic substances, however carefully a landfill is
25 constructed, is one reason for this. And the discussion

1 of random detailed inspections leads me to wonder
2 specifically if the screening would be extremely
3 effective.

4 Retaining reusable and recyclable
5 substances that may become increasingly ware and
6 expensive is another reason why things should not simply
7 be plowed into the ground.

8 In Denmark, a neighbor of Germany, even
9 more of the construction materials -- something like 90
10 percent -- are reused. And Great Britain has taken note
11 of these nations' successes and is following their
12 example.

13 A striking example of the way in which the
14 United States has pursued short-term benefit at the
15 expense of long-term values -- you probably heard about
16 this. It's the very destructive practice of mountaintop
17 removal mining in the area of West Virginia and related
18 states; I believe Kentucky and Tennessee.

19 Literally hundreds of mountaintops are
20 blasted away causing widespread irreparable devastation
21 to this once-beautiful part of the country. The waste
22 dumped into nearby streams from those procedures have
23 caused water pollution, which has killed fish and
24 wildlife and made the water unsafe for the people of the
25 area.

1 Storage ponds for wastewater runoff, which
2 were supposedly safe repositories, have burst or
3 overflowed, causing extensive damage.

4 To protect the natural beauty of the Town
5 of Carroll and to prevent the greater dangers to the area
6 water supply, as other people have noted, as well as
7 preventing the noise pollution and the light pollution to
8 this beautiful rural and residential area, I support the
9 position of the Town of Carroll to oppose permitting the
10 vast expansion of this landfill.

11 I also have a word of encouragement for
12 area residents. Over the past three years, I have had
13 the privilege of being associated with a group called The
14 Concerned Citizens of Jamestown. You may have read about
15 them in the local paper. It was founded by several
16 electricity plant workers who worked at the Jamestown
17 electricity plant.

18 These diligent and dedicated citizens were
19 alarmed at the possibility of excessive pollution and
20 excessive cost overruns to the residents of Jamestown if
21 the proposed expansion of the coal-burning power plant
22 were allowed to go forward.

23 After three or more years of careful
24 documentation by these gentlemen, with repeated meetings
25 with state officials, with letter-writing campaigns and

1 television and radio presentations, The Concerned
2 Citizens have succeeded in thus far preventing the
3 excessively, costly and unneeded project for more than
4 three years. And they now fervently hope and feel they
5 may have totally prevented the building of this coal-
6 burning power plant in Jamestown.

7 It is my hope that with similar
8 perseverance here, the result would be preventing the
9 expansion of the landfill here in the Town of Carroll.
10 Thank you.

11 (Applause.)

12 MR. DENK: Gary Sadowski.

13 MR. SADOWSKI: Good evening, Town of
14 Carroll. Thank you for coming out tonight. It's nice to
15 see support like this, and hopefully, the defeat of this.
16 There is a couple of issues I do have, and then I'm going
17 to share something with you.

18 One issue -- as many of you know, I live on
19 Dodge Road. I chose that location because it's a
20 beautiful area. Environmentally, it's gorgeous. The
21 wildlife is phenomenal. And I chose to live there.
22 About six years ago, I began building my home -- went
23 through the mortgage process, got my mortgage, put a
24 foundation in the ground. And to my surprise, found that
25 the landfill was planning an expansion and had been

1 | planning on it -- discussions had been going on for a
2 | while.

3 | If I had known this, I would never have
4 | built there. I feel as though I personally have been
5 | robbed of my right to build where I choose to. I did not
6 | buy a home or decide to build a home in an area where
7 | there will be 100 trucks storming past my home.

8 | It amazes me that the rights of a few
9 | people supercede the rights of many; the rights of many
10 | to live the way that they wish to, and that confounds me
11 | in this. I understand legally, they do have the right to
12 | do this. So that's my one issue, the right to live where
13 | I wish to live in the environment where I wish to live.

14 | Another area of concern for me is the
15 | Storehouse Creek. As you saw in the map he had up here
16 | earlier, their leachate ponds are going to be within a
17 | stone's throw -- literally, a stone's throw -- of
18 | Storehouse Creek, which is a protected trout stream.

19 | And there is no way that they can guarantee
20 | that leachate is not going to overflow those banks and
21 | end up into the stream. As it was pointed out earlier,
22 | the amount of rain and storms that we have, and that fact
23 | alone should be enough for the DEC to stop this.

24 | (Applause.)

25 | MR. SADOWSKI: The second issue I have is

1 with the bald eagle habitat that we have here. We have a
2 known habitat in the Conewango Swamp area; we have a
3 known habitat in the Kinzua Lake area. These areas are
4 within a mere ten miles apart.

5 Eagles will transverse between these two
6 areas. I have seen that myself. I will share this with
7 you because it was actually a wonderful moment. My son
8 had come home one day last March full of excitement that
9 he had seen a bald eagle.

10 I didn't believe him. I had to go out and
11 see it for myself. And sure enough, not only did I see
12 one, but we saw two mature bald eagles hovering no higher
13 than a telephone pole height from the ground, certainly
14 looking for food. It was March. The lakes were frozen.
15 They couldn't fish as they normally would. They were
16 scavenging, as they will.

17 They were heading due east. They flew --
18 we watched them for about five minutes. They never
19 lifted the ground. But they flew directly over the
20 proposed site of this landfill. If this landfill goes
21 in, we won't ever see that again. That's the second
22 reason that the DEC should not allow this to happen.

23 (Applause)

24 MR. SADOWSKI: And the third and final
25 reason coincides with the rights of the Martz Observatory

1 to have a clear night sky. And I'm sure Polly could back
2 me up on this because this is who I heard this from. I'm
3 going to steal your thunder.

4 There was a situation in California where
5 an observatory ten miles away from a landfill complained
6 that there was -- that their night sky was being
7 obstructed by the gases and by the debris from this
8 landfill. This was ten miles away.

9 They did an exhaustive study. They were
10 able to prove that their rights to that clear night sky
11 were being obscured, and that landfill was shut down. An
12 existing landfill was shut down.

13 Martz Observatory is only one mile away
14 from this site. That is the third reason that the DEC
15 should not allow this to go in.

16 (Applause.)

17 MR. SADOWSKI: If the DEC does not act
18 accordingly, I seriously have to question their morality
19 and their ability to do their jobs. Thank you.

20 (Applause.)

21 MR. DENK: Michelle Lingenfelter.

22 MS. LINGENFELTER: I don't know if any of
23 you have read the scoping document or how many of you
24 have read it, but if you read in there in Section 1.1 of
25 the scoping document, it says, "In accordance with

1 applicable local state and federal requirements."

2 I know everyone here is aware of the 2007
3 local law that the town board enacted. What we don't
4 know or can't understand is why or how this can be
5 challenged for any reason whatsoever.

6 Municipalities have the right to protect
7 their residents and govern their towns; do they not? Or
8 is this just saying the laws don't apply to them?

9 The Jones Carroll Landfill was closed for
10 some time; since 2006, I believe. It's my understanding
11 that Sealand Waste, LLC, is attempting to purchase this
12 property and construct this landfill to these
13 projections. So this is a brand new project. Yet in 2.2
14 of the scoping document, it says, "The completed EAF was
15 done July 9, 2004." Why?

16 Many things have changed such as a proposed
17 waste. In 4.4, it was said, "The town board agreed upon
18 acceptable waste," which to my knowledge, they did not.
19 It is later said, "In accordance with initial
20 discussions." Initial discussions and agreements are two
21 very different things.

22 In 5.13, it goes on to say the current town
23 board approval allows only the acceptance of C&D waste as
24 defined by 360-1.2(b)(38). Sealand is not in a position
25 to offer royalty payments to the Town of Carroll, and

1 that benefit is not available as part of the current
2 mitigation proposal. The current town board has given no
3 such approval and stands on our local law No. 1 for 2007.

4 In Section 5.13 of the scoping document,
5 Sealand Waste, LLC, will help property owners to obtain
6 market value for their properties if they so choose to
7 sell. However, it's my understanding from the phrase
8 "due to the impact from the operation," for this to occur
9 it would happen postlandfill after property values have
10 dropped.

11 For example, if your home is worth \$100,000
12 now, postlandfill it may be worth 50. You sell it for
13 \$45,000, they are going to give you the \$5,000; not the
14 \$55,000 you just lost. In the scoping document 5.16, it
15 is mentioned there is a potential for land slope failure.
16 This must be examined very carefully due to the fact that
17 since 2008, we have had extreme flooding on Dodge Road.

18 During heavy rainstorms, the runoff from
19 the hill in the back of our homes, as well as the creek
20 that runs through our yards, has flooded so badly, it has
21 almost taken my brother-in-law's home right off its
22 piers. They have suffered extensive damage over the past
23 four years.

24 In 2010, the fire department was called to
25 rescue them from their home after which FEMA was called

1 in to investigate and assess the damage.

2 In 5.3 of the scoping document, it says
3 they will be hauling generated wastewater off site for
4 proper treatment. This is all done so that potential
5 impacts on freshwater and sewage resources will be
6 minimized or eliminated.

7 Sanitary sewage generated at the facility
8 will be directed to a storage tank and hauled off site to
9 an approved wastewater treatment facility.

10 Could you please explain to me how sewage
11 can be a resource and what is sanitary sewage? To me,
12 sewage has never been anything close to sanitary.

13 Storehouse Run has been classified and
14 declassified is now correctly reclassified has a
15 naturally-producing brown trout stream that will be
16 negatively impacted by this project. How will that be
17 protected from contamination, as well as several
18 residential wells in the area?

19 In 5.6 of the scoping document, aesthetics
20 is brought to light. There is the impact this project
21 will have on our county park; that park is Erlandson
22 Overview Park. It is positioned at the highest point in
23 Chautauqua County. This project will definitely
24 negatively impact the park and its breathtaking view.
25 How will you mitigate that?

1 In Section 5.15, a specialty study is
2 required regarding Martz Observatory. I'm glad to see
3 that this is being given serious consideration. The
4 Martz Observatory has been in this community for many
5 years. It is an asset to this town and a pillar of this
6 community.

7 In Section 4.3, it states that Dodge Road
8 will require widening within the existing right-of-way.
9 The anticipated improvements to the roadways will be made
10 at the sole expense of Sealand. However, a right-of-way,
11 to my knowledge, belongs to the township in which it
12 exists, not to any private entity. So what right do they
13 have? If we, as a town, give this right to them, then we
14 are traveling down a very slippery slope.

15 Residents in the valley beyond the landfill
16 already have a hard time receiving DSL and cell signals.
17 And with the assistance of Microstar (phonetic), we now
18 are able to receive a signal in our home. What will
19 happen to our Internet connection and cell phone signals
20 once a 200-foot mountain is erected in the back of our
21 homes?

22 Several residents of the Town of Carroll
23 have sighted a bald eagle in and around the area. It's
24 my understanding that there may be a nesting pair. This
25 is critical; they should not be disturbed for any reason

1 | whatsoever. I am a proud resident of the Town of
2 | Carroll. I'm a proud American. We need to take a stand
3 | to protect the symbols of our heritage, pillars of our
4 | community and the place we choose to call home. Thank
5 | you.

6 | (Applause.)

7 | MR. DENK: Mark Nelson.

8 | MR. NELSON: My comments have already been
9 | addressed by Jack Jones and from Greg Edwards. We are
10 | dealing with the environment, and my thought is that the
11 | county has put in the systems and the controls to protect
12 | us, and so why are we trying to duplicate it?

13 | So that's -- I would just encourage a
14 | review of, is for the environment, for the safety, we
15 | have a system in place, and we should continue to use it
16 | and not try to duplicate it here.

17 | (Applause.)

18 | MR. DENK: Peter Raymond Martin.

19 | MR. MARTIN: I will send in a letter to
20 | you. My name is Peter Martin. I live on Bunce Road.
21 | And where Jerry Eklund was mentioning how many trucks, we
22 | are talking about 85 trucks going one way and 85 coming
23 | back out; that's 170 trucks.

24 | Anybody that goes to the five corners,
25 | especially during the wintertime when it's icy, realizes

1 | how long you have to wait to get out in the intersection.
2 | When it's icy, it can take you 30 to 45 seconds to try to
3 | get through the intersection because you can't even get
4 | going. That's Item No. 1.

5 | No. 2. This is a typical garbage bag. You
6 | can't see what is in that garbage bag, so I'm going to
7 | show you because I can't ask you what is in it. Typical
8 | shirt, no problem. Bag of dog food. Deer leg. Those
9 | things really aren't harmful to us.

10 | Klaus, could you bring my folder, please?

11 | Four months ago in October in the Post
12 | Journal on the very front page on October the 26th -- I'm
13 | not allowed to give names or anything, but it was public
14 | information -- thank you. And I will make a copy of this
15 | for you, okay.

16 | On the front page, a very nice article.
17 | And on Page A-3 regarding a person who filled these bags
18 | with asbestos. Now, when you go to a dumpsite, they do
19 | not open the bags.

20 | I have been at the dumpsites. And when
21 | they run the big machinery, bulldozers and the crushers
22 | with the steel cleats, the bags rip open prior to them
23 | backfilling it with topsoil. That becomes friable
24 | material, which is forbidden. But you can't tell it's
25 | friable until after the event takes place.

1 I just want to thank everybody, and I will
2 get you copies of the information.

3 (Applause.)

4 MR. DENK: Polly Hanson.

5 MS. HANSON: First of all, thank you very
6 much for everybody showing up tonight. It's wonderful to
7 see your faces. Okay, so a lot of what I want to mention
8 to you has already been mentioned, but I want to
9 reinforce some ideas.

10 First off, the lighting issues that do not
11 only impact Martz Observatory, although they are crucial
12 to our society here. They also impact the neighboring
13 area. We have a pond at my home. I don't even have to
14 go outside to see the stars. I can sit on my porch and
15 they are reflected in the pond. It's gorgeous. It's
16 something that you don't get everywhere.

17 Whenever you have lighting, it pollutes the
18 darkness of the sky. If you go outside, if you have a
19 flashlight, if you shut off the flashlight, you have to
20 let your eyes adjust. That is part of what is happening.
21 So the dark skies that we have out there are beautiful.

22 If you sit at the top of Dodge Road right
23 by Gary's house, you just sit there and you see the sky
24 for miles. The view is amazing. That's a sense of
25 quality of life, but it's also going to be ruined with

1 the pollution that is going to be coming off of this
2 site.

3 The noise issues -- trucks alone, but not
4 only the trucks, the amount of work that they are going
5 to be doing on the site to be tamping down all the
6 landfill material that is coming in each and every day
7 postclosure of the actual landfill.

8 So after the business hours each day, they
9 are still going to have heavy machinery that is going to
10 be constantly working on that material to tamp it down so
11 it's hopefully not flying around in the air as much.
12 That's daily. That's going to be continuing on after
13 dark.

14 And I'm going to tell you right now, when I
15 sit on my porch, I can hear the waterwheel. I can hear
16 the creek running. I can tell you whether or not Terry
17 Carlson is doing something on her house. You don't get
18 that everywhere.

19 In the middle of town, you don't know what
20 is going on out on Dodge Road. But on Dodge Road, you
21 hear things because it's so quiet. I can literally count
22 on one hand the number of vehicles that pass by my house
23 that are not residents. That's on any given day. That's
24 not an exaggeration. Come on down. I won't count your
25 car that day. Come on down, and I will prove that to

1 | you. That's how life is past the intersection. I'm also
2 | downstream from the proposed landfill site. That an
3 | issue of itself. I'm also half a mile from the
4 | Pennsylvania border. Storehouse Creek runs right
5 | through.

6 | The road usage -- as Michelle had
7 | mentioned, these are our roads. I don't want to pay
8 | Daniel Bree to redo our roads because he needs them
9 | redone. Our roads are maintained by our community. We
10 | don't need them any different than what they are right
11 | now. And if we do, we will decide to change them for our
12 | benefit, not for one company; let alone are we going to
13 | pay them to redo the roads that they are going to get the
14 | benefit for and wind up getting less money from them for
15 | them to be able to do it.

16 | I don't know if you realize it or not, but
17 | their parent company does a ton of the roads and bridges
18 | in Western New York and all of New York State, so they
19 | can absorb that cost without any problem at all.

20 | And yet they would undercut the town -- not
21 | that I think it's going in; I'm pretty sure it's not.
22 | But the idea is, if they do, this is not what we need --
23 | the air, the particulate matter, the dust, this is
24 | pulverized material.

25 | You have already heard the idea of the

1 question of what monitoring is going to be able to go on.
2 Most of it is going to be the fox watching the henhouse.
3 They are going to be doing their own monitoring. That
4 should raise some big questions considering they have
5 already been involved in a Superfund site. That alone
6 should make you have some pause for this situation.

7 That material is going to be coming in
8 pulverized on vehicles. So if you live in the Town of
9 Kiantone or if you live in the City of Jamestown, those
10 trucks are coming through your neighborhoods.

11 It's all going to be coming into a big
12 circle on my road, but it is coming through your
13 neighborhoods, and you need to be aware of what is on
14 those trucks. The problem is, it's already pulverized.
15 How do you know? How are you going to find out?

16 The gas solution. We are talking mainly
17 about hydrogen sulphate here. Hydrogen sulphate should
18 really be a major concern with what the DEC is looking
19 into.

20 I would like to know approximately the
21 estimate of pulverized wood that is going to be expected.
22 I'm asking for an air emissions study. As far as the
23 noise as well, we have many residents who are bordering
24 this area. I would request a noise study because they
25 are bordering on this area. The site of the actual

1 landfill itself has to have some kind of a buffer zone.
2 You have people that are directly on the property line
3 here, on at least two sides of it.

4 The water seepage. Mr. Daigler here
5 mentioned six years ago, or six and a half years ago, all
6 liners leak. The studies by Dr. Fred Lee, renowned for
7 his work with construction and demolition landfills: All
8 liners leak. It's a double liner. It will leak. It's
9 not a question of "if." It's when.

10 You are going to be putting material in
11 there that is questionable to begin with. It is going to
12 be giving off these emissions. It is going to leak.
13 Where is it going to go? It's going to go into our
14 soil. It's going to go into our water. Let's just say
15 it is contaminated. Then we wind up paying the money to
16 have the cleanup; again, coming out of taxpayer money.

17 Have you read the news recently about the
18 Love Canal reemergence of the chemicals that are coming
19 about? How many years ago was that? We thought it was
20 cleaned up. The stuff is coming out like crazy. It's so
21 much easier to prevent it.

22 We need to back the town officials who have
23 done their homework. We need to back the DEC to make a
24 good solid decision on this, and we need to stay on case
25 and show up when needed. Thank you very much.

1 (Applause.)

2 MR. DENK: Kevin Muldowvey.

3 MR. MULDOWVEY: Good evening. I'm here
4 representing Senator Cathy Young. Unfortunately, she
5 couldn't be here this evening but ask that I come. First
6 of all, I want to thank everybody who has called our
7 office or e-mailed our offices.

8 We are listening, and she wanted to
9 reiterate she will be giving written testimony to DEC
10 shortly based on what she has learned from all of you.
11 Again, she was sorry that she couldn't be here, but she
12 is listening and we will be submitting that written
13 information to DEC shortly. Thank you.

14 (Applause.)

15 MR. DENK: Lori Carvenni.

16 MS. CARVENNI: Thank you. I just wanted to
17 say not much after Patty. Really a lot has been said.
18 But I live in Jamestown. I'm a small country girl and
19 have waited on the community for 30 years. And I want
20 you to know that you have our support, as well as many of
21 the people in Chautauqua County, and you are going to win
22 this fight.

23 We all need fresh air and clean water, and
24 I don't believe that this is going to happen for you.
25 Like Mr. Eklund said and I know many of the people in the

1 audience before you, we're a small town. That's why we
2 choose to live in this area.

3 And we raised our families in this
4 community because we like clean air, clean water, our
5 green land. And I'm sorry, I don't remember the name of
6 the woman that sat in the audience. As a people, we have
7 our professors and our educators here to find a better
8 way than to use soil for our landfill and to come up with
9 those ideas.

10 So we have less than a month to write our
11 letters and propose a better way than to do this. We
12 have the Environmental Protection Agency to stop this.
13 And as a community, we love you, we are your neighbor and
14 I think you can fight and prevent this. You are doing a
15 great job.

16 Bob Gray is my neighbor on Pine Street.
17 You are doing a great job and I think you are going to
18 fight this and beat this. You have our support, and
19 that's all I wanted to say. I love Terry, and I love you
20 guys and we are going to beat this.

21 (Applause.)

22 MR. DENK: Pernell Caster.

23 MR. CASTER: You are going to have to bear
24 with me. I ended up with laryngitis this morning.

25 It's good to be an American. You have to

1 wrap your arms around that when you sit here and you
2 realize that we have the right to fight. And that's what
3 we're doing; that's what we're here for.

4 One of the things I have a very deep
5 feeling for, and that is our aquifers. I am a partner in
6 a water well drilling company, and our aquifers are very
7 fragile in Frewsburg. It's a gravel aquifer. Any
8 rainwater leaches through the gravel and the sand and
9 that is how it's filtered.

10 The site that you people are looking at is
11 an old gravel pit. Well, if you are going to look for a
12 place to develop and put a dump, the last place you want
13 to look is in a gravel pit. You want to look in an area
14 that is naturally concealed, an area that is naturally
15 protected with a natural clay base would be perfect.

16 I have spoken with your boss and offered to
17 take them around and look for some other alternative
18 place that is away from the town that has the natural
19 barrier as opposed to a perfect environment for the
20 leaching of the leachate that will escape. We know this.
21 Everyone knows this. I haven't heard from you yet.

22 One of the comments was the decibel level,
23 the trucks. I own a business. I have trucks. I have
24 lots of big trucks. According to, I believe, the scoping
25 document, it says it's going to be 35 decibels at certain

1 times of the day. Thirty-five decibels is about this
2 level right here.

3 I have big trucks. I'm here to tell you,
4 they don't sound that soft. They are very loud,
5 especially if they are coming down a hill and the Jake
6 brake is running. You are looking at more like 90 to
7 100.

8 The gentleman here that pointed out it's
9 not just those coming up. What goes up, must come down.
10 We are looking at 200 trucks a day. I find the document
11 probably to be erroneous, to say the least.

12 Other areas, I have understood other areas,
13 these people are talking about \$2 a ton for the waste.
14 Other areas are getting over \$80 a ton. I believe that
15 we, as a community, should have the right to say, "If you
16 really want to put this in, \$75 a ton." I doubt they
17 will put it in.

18 (Applause.)

19 MR. CASTER: In 1990, I bought an old farm
20 on Dodge Road, remodeled and parceled off some of the
21 property. All of my neighbors are here. Five families
22 have moved onto that property and built new homes. And
23 they are raising their families, young kids.

24 I have a small child myself. The last
25 thing I want is for him to have lung problems with the 26

1 percent "other" that was to be put in to cover. You read
2 the document too.

3 This is not the place. This is not the
4 time. Frewsburg does not need a dump. Jamestown already
5 has one. Thank you.

6 (Applause.)

7 MR. DENK: Kathy Caster.

8 MS. CASTER: Hi. Thanks, everybody, for
9 coming tonight. What he said, and also just I came here
10 the last time we had a DEC/SEQR meeting. What I said
11 then was that I was fighting for the environment and for
12 our neighborhood so my kids wouldn't have to one day.

13 Well, it's now later, and I have a kid.
14 This is why this is really important to us. As my
15 husband said, the noise level, the dust level. There is
16 a reason we built and have our homes where they are and
17 we don't want to see that change. Thank you.

18 (Applause.)

19 MR. DENK: Richard Rose.

20 MR. ROSE: My name is Richard Rose. I live
21 in Lakewood. I'm a member of the Martz Observatory. I
22 would like to speak to two things that have not been
23 mentioned. I believe the dump is located here --
24 proposed dump is located here because it's sort of a
25 central place between many places that generate waste --

1 the East Coast, Canada, Rochester, the Midwest, and it's
2 sort of central place to bring it all.

3 My point is that it's not necessary to
4 bring it here. The waste should be taken care of where
5 it's generated. If it comes from Rochester, take care of
6 it in Rochester. If it comes from New York City, take
7 care of it there. It has to be put into trucks. The
8 trucks come here on gasoline or diesel fuel. They burn
9 it. One of the by-products is carbon dioxide.

10 We are having a climate change crisis
11 sneaking up on us, and the last thing we need is more
12 carbon dioxide stuck in the air unnecessarily.

13 The waste can be recycled and reused. You
14 may not make as much money as you will trucking it this
15 far, but you can still make some money, and it's so much
16 more morally better and ethically better to do that.

17 The other thing is, perhaps a more minor
18 thing, but you are talking about you have to get rid of
19 the methane. Methane -- well, carbon dioxide is a
20 greenhouse gas. It heats up the climate. Methane is a
21 much worse greenhouse gas. It shouldn't be released at
22 all. If you burn it and turn it into carbon dioxide,
23 it's bad. If you release it into the air, that's ten
24 times worse, or four times worse. It's not a good thing
25 to do.

1 So my suggestion is, don't do this at all.
2 Keep your waste wherever you are getting it. Recycle it
3 and save a lot of money and save the environment.

4 (Applause.)

5 MR. DENK: Chris Intahar.

6 MR. INTAHAR: Some of my classmates and my
7 teachers know I will be leaving in July for basic
8 training in the Army. I would like to say when I come
9 back from there shortly after I would be going to combat,
10 I would like to come back to a place that is nice and
11 quiet that I can enjoy away from all that crap. That's
12 it.

13 (Applause.)

14 MR. DENK: Alan Gustafson.

15 MR. GUSTAFSON: I am Alan Gustafson. I'm
16 the code enforcement officer to the Town of Carroll. I
17 would like to mention one particular item that hasn't
18 come up so far and I doubt it probably will the rest of
19 the evening.

20 I'm also the zoning officer for the Town of
21 Carroll. Just one thing I want to mention, the town has
22 a zoning ordinance. And part of that, the different
23 areas of the town are divided into separate sections.
24 You have residential districts, you have business
25 districts and industrial districts.

1 The area in which this landfill is going to
2 be placed in is an agricultural/residential district. So
3 if you wanted to start a small business, for example, you
4 would have to most likely put that in a business district
5 or an industrial district.

6 I have seen a couple businessmen -- Jerry
7 Eklund, for one, say he wanted to move his operation from
8 where he is currently. If he wanted to buy some property
9 on Dodge Road and replicate what he has down there, the
10 zoning ordinance would say, "No, you can't do that."

11 Herm Ruhlman, I'm familiar with his
12 operation up there in the Town of Gerry. If he wanted to
13 move that operation up to this site, the zoning ordinance
14 would say, "No, you can't do that."

15 Those two businesses, in my opinion, have
16 much less impact to this area than what this landfill
17 would be. I wanted to mention that from a zoning
18 standpoint. There is many people in here that if they
19 applied for a permit to build that type of structure, we
20 would have to tell them, "No." So there again, this
21 would be a much greater impact in that area, so I feel it
22 should be turned down as well. Thank you.

23 (Applause.)

24 MR. DENK: John Crossley.

25 MR. CROSSLEY: I have been sitting up there

1 and listening to a lot of what is going on. And for a
2 small town, we have a lot of smart folks here. We have a
3 lot of dedicated people, a lot of really nice people.

4 I'm going to address my comments primarily
5 to the folks from the DEC, because the town folks, they
6 are going to agree with what I have to say. They don't
7 need to hear what I have to say. And you will beg my
8 pardon, but I don't think you folks are listening. So
9 I'm going to address my comments to the DEC.

10 I have lived in the Town of Carroll for 43
11 years on Sandberg Road, maybe a half a mile from the
12 dumpsite; I don't know. Close enough I will be able to
13 hear their tractors run up there.

14 I often, when I describe our neighborhood
15 to friends of mine, I tell them if somebody goes by our
16 house after 9:00 at night, we run to the window to see
17 who it is. And most of the time we know who it is. And
18 I say that as a joke, but it's really true.

19 I also am a forester by occupation. I went
20 to New York State Ranger School in Wanakena. I worked
21 for 30 years for the Forestry Sciences Lab in
22 Youngsville, Pennsylvania, as a timber management
23 research technician and a wildlife research technician.

24 I know a little bit about environmental
25 conservation. And I know from my work, and because the

1 reason I chose that work is my passion for that sort of
2 thing, that the Department of Environmental
3 Conservation's duty -- one of them -- is to protect
4 habitats.

5 If we had an eagle's nest on Sandberg Road,
6 it would be a closed issue. If we had some kind of
7 exotic salamander in a brook up there, it would be a
8 closed issue, because those are delicate, rare endangered
9 threatened habitats.

10 Sir, I say to you, Sandberg Road, Dodge
11 Road, the Town of Carroll in general, is an endangered,
12 rare habitat for us. We are unique people. We're not
13 like other folks all over the country. We like one
14 another. We gather in places like this because other
15 habitats are toxic to us.

16 Another joke I make is, I live out on
17 Sandberg Road because they passed a regulation that won't
18 let me live in the city. That sounds funny to say it,
19 but it's true. We live out here because this is where we
20 can live. Our habitat is growing smaller and smaller and
21 smaller all the time. Development, encroachment,
22 population growth, you name it -- we are getting squeezed
23 and squeezed and squeezed. And now somebody wants to put
24 a big volcanic pimple in the middle of our habitat, a
25 pimple that is likely to break.

1 If you look around at the soil types up
2 there, where the site is, is gravel. There is a lot of
3 different sites up there. Where I am, I'm right on the
4 terminal moraine of the last great glacier. The soil
5 types are mixed there.

6 The thing of it is, is like everybody else
7 has said, this doesn't have to be here. There is no
8 economic, social or any other kind of gain that this can
9 bring to us. I'm sure it will make somebody wealthy, but
10 it will impoverish us; if not economically, certainly
11 from a point of view of our habitat.

12 And I would say to you that we are as
13 endangered a species as any other that you are going to
14 encounter anywhere in the United States. Please protect
15 our habitat.

16 One more thing that on a practical sense
17 that has been overlooked, I think. They talk about
18 improving the roads to get their big trucks up there.
19 They have to make the road wide enough so the trucks can
20 pass each other.

21 Guess what they do when they widen the
22 road? They make your lawn smaller. It means the trucks
23 are going to be even closer to your house. They are
24 going to take your property away to make room for their
25 trucks so they can run their trucks by your house all

1 day, endanger your kids, endanger your shrubbery,
2 endanger your pets, and endanger your hearing. And they
3 are going to take your property to do it. That ain't
4 right.

5 Please, sir, protect our habitat. Protect
6 us as an endangered species, or at least an endangered
7 subspecies. Thank you.

8 (Applause.)

9 MR. DENK: Thank you, John. I want to
10 thank everybody else for their comments here tonight. I
11 think you have given us a lot to think about, and a lot
12 for the project sponsor to think about.

13 At this time I do not have any more speaker
14 registration cards. Is there anybody else who cares to
15 speak tonight. Sir?

16 UNIDENTIFIED MAN: Can I say one more thing
17 from the Martz Observatory which I didn't bring up. I
18 would hope the DEC would at least come out and check out
19 our site so they can actually see what effect
20 environmentally it would have on us. I just wanted to
21 make sure they would do that.

22 MR. DENK: I think my predecessor, Steve
23 Doleski, had been to the observatory at some point in the
24 past, and I know he was pretty impressed.

25 Anybody else? Sir?

1 UNIDENTIFIED MAN: I would also like to
2 point out, just to reiterate about this being a
3 multijurisdictional issue -- it certainly is, that close
4 to the Pennsylvania line. They are going to have to be
5 brought in on this. And it sort of makes me wonder what
6 the New York Supreme Court ruling on the shaky issue of
7 this being a mining operation and how it negated our law
8 to prevent this site from growing, I wonder how that will
9 impact -- be an impact if this is a multijurisdictional
10 issue -- which it is -- there is going to be another say
11 on Pennsylvania's part as well which might override New
12 York's Supreme Court ruling if it becomes a federal case,
13 which it should be, being a multisite, multistate issue.
14 So please look into that.

15 MR. DENK: Okay. Sir?

16 MR. STYER: My name is Peter Styer. I live
17 up on top of Oak Hill. One area that hasn't been spoken
18 about yet is the social impact on our community here in
19 Frewsburg.

20 I'm proud to live in Frewsburg. It's a
21 wonderful community. We have great schools. We have
22 great officials and great governments. That will change.
23 If this dumpsite goes ahead, we will be the community
24 that has a dumpsite. We will be associated with that.

25 There is no way we can walk away from that.

1 There is no way we can escape that. That social impact
2 will impact how people view our community, they view our
3 property values, they view us as people. We can't ignore
4 this social impact. It has to be detrimental.

5 (Applause.)

6 MR. DENK: Are there any other speakers? I
7 would like to thank you once again for coming out. It's
8 a great turnout. And I would like to -- oh, ma'am?

9 UNIDENTIFIED WOMAN: I would like someone
10 to check on the amount of distance between the Storehouse
11 Creek and the site. I think it's supposed to be over a
12 thousand feet. And I think it is.

13 MR. DENK: Okay. Thank you. At this time
14 I will call the meeting to a close. Thank you for your
15 participation. Goodnight.

16 (Proceedings concluded at 8:20 p.m.)

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COURT REPORTER'S CERTIFICATE

I HEREBY CERTIFY that I was present at the hearing of the above-captioned matter and there reported stenographically the proceedings had and the testimony produced. I further certify that the foregoing is a true and correct transcript of my stenographic notes.

Jenny L. Scalise
Court Reporter