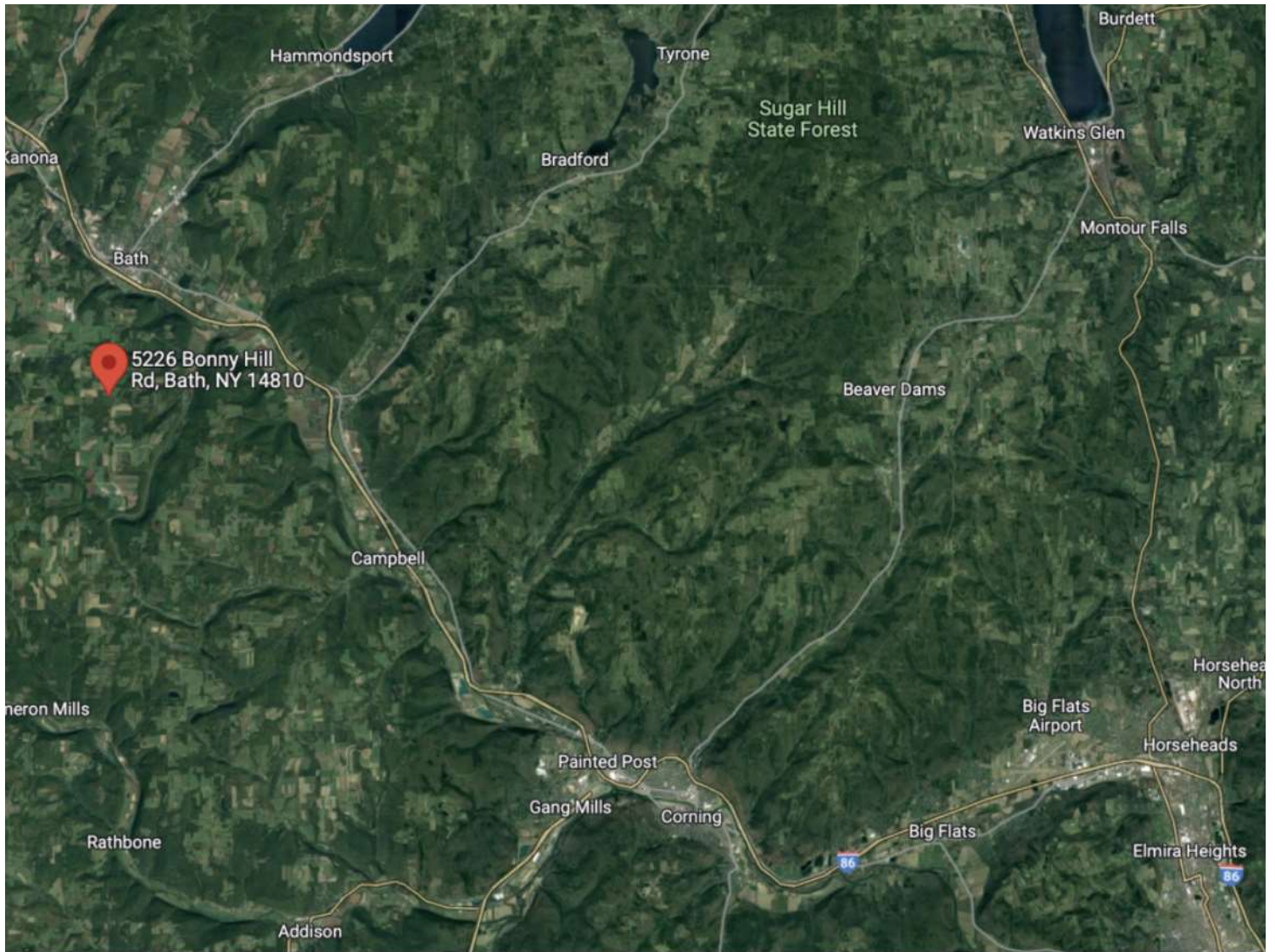


Water Front- Peter Mantius

Environmental politics in New York's Finger Lakes

Anxious that Casella Recently Took Control of 2,789 Acres, Thurston Weighs One-Year Moratorium on New Landfills

[Peter Mantius](#) / [January 24, 2023](#) / [Uncategorized](#)



The Thurston Town Board has scheduled a public hearing Feb. 1 to consider a proposed one-year moratorium on permitting local landfills. The action was spurred by alarm over Casella’s recent purchase or lease of 2,789 acres on Bonny Hill Road in Thurston.



THURSTON, Jan. 24, 2023 — A rural community in Steuben County is weighing a one-year local moratorium on permits for new landfills in response to news that Casella Waste Systems Inc. recently acquired or leased 2,789 acres (<https://waterfrontonline.blog/2022/11/08/casella-poised-to-spread-sewage-sludge-over-hundreds-of-acres-in-steuben-as-maine-bans-practice-due-to-tainted-milk/>), of a local sewage sludge spreading operation.



The Thurston Town Board has scheduled a public hearing Feb. 1 to consider a proposed one-year moratorium on permitting local landfills. The action was spurred by alarm over Casella's recent purchase or lease of 2,789 acres on Bonny Hill Road in Thurston.



The town board of Thurston is preparing to vote (<https://waterfrontonline.files.wordpress.com/2023/01/meetingnotice.png>), Feb. 1 on a draft local law that would ban for one year permits for new or expanded landfills, transfer stations or other waste processing facilities.

The proposed moratorium would not affect the decades-old practice of spreading municipal sludge on farm fields in Thurston, which is located about 10 miles northwest of Corning.

Leo Dickson & Sons Inc. and affiliates accepted sludge from roughly two dozen waste water treatment plants in New York and Pennsylvania before transferring its properties to Casella in July.

“The immediate threat right now with Casella is a

landfill,” said Tim Hargrave, who lives on a 100-acre farm adjacent to the transferred property.

“We need a law on the books that’s ironclad,” Hargrave added. “And then once we get that ... maybe we can also look into other options on the (sludge) spreading.”

Casella operates several of the state’s largest landfills, including facilities in Chemung, Steuben, Ontario and Allegany counties. Company officials say they plan to continue spreading municipal sludge in Thurston and deny any intent to establish a new landfill.

“We are uncertain as to why there is any reference linking Casella and a landfill development project, as Casella has no intention of attempting to permit and build a landfill in the Town of Thurston,” Jeff W. Weld, Casella’s director of communications, said in an email Monday.



Jeff Weld

Casella’s move into Thurston was not widely known before WaterFront reported it Nov. 8.

At a sparsely attended town board meeting the following evening, Thurston Town Attorney Shawn Sauro “advised the town board to focus on developing a local law preventing the development of landfills, dumps, sewage waste disposal areas, and hazardous sites,” according to the [meeting minutes](https://waterfrontonline.files.wordpress.com/2023/01/thurstonnov2022minutes.pdf) (<https://waterfrontonline.files.wordpress.com/2023/01/thurstonnov2022minutes.pdf>).



Tim Hargrave

Town Supervisor Wendy Lozo stated that she would “set a date with a Casella representative to be present at a board meeting for a question and answer session,” the meeting minutes reported. No such date has been set.

At the board’s monthly meeting in December, Lozo asked for a motion to set a hearing Jan. 18 for a “landfill law to be labeled Local Law #1 for 2023,” according to the [minutes of the December meeting](https://waterfrontonline.files.wordpress.com/2023/01/thurstondec2022minutes.pdf) (<https://waterfrontonline.files.wordpress.com/2023/01/thurstondec2022minutes.pdf>).

The [draft law that Sauro provided](https://waterfrontonline.files.wordpress.com/2023/01/saurodraftpermitlawpdf.pdf) (<https://waterfrontonline.files.wordpress.com/2023/01/saurodraftpermitlawpdf.pdf>) for consideration Jan. 18 would have authorized the town to “license” landfills, rather than to “prevent” them as he had advised the board in November.

News of the reversal alarmed Hargrave, who urged local residents to attend the Jan. 18 meeting to object. A Casella representative watched in silence as virtually all of the 50-60 people who crowded into the town’s basement meeting space objected to the proposed landfill licensing law.



Wendy Lozo

In the face of that opposition, Lozo joined the other four board members in scraping Sauro’s draft law. The board then set a Feb. 1 hearing to consider a [draft landfill moratorium law](https://waterfrontonline.files.wordpress.com/2023/01/thurstonmoratoriumdraftlaw.pdf) (<https://waterfrontonline.files.wordpress.com/2023/01/thurstonmoratoriumdraftlaw.pdf>), which was drafted by Rachel Treichler, a Hammondsport attorney.

The town hadn’t posted minutes of its Jan. 18 meeting as of Jan. 24.

Lozo and Sauro did not respond to phone and email messages seeking comment. Treichler declined to comment, citing the confidentiality requirements of an expected retainer agreement with the town. Treichler said Tuesday the town had not yet retained her.



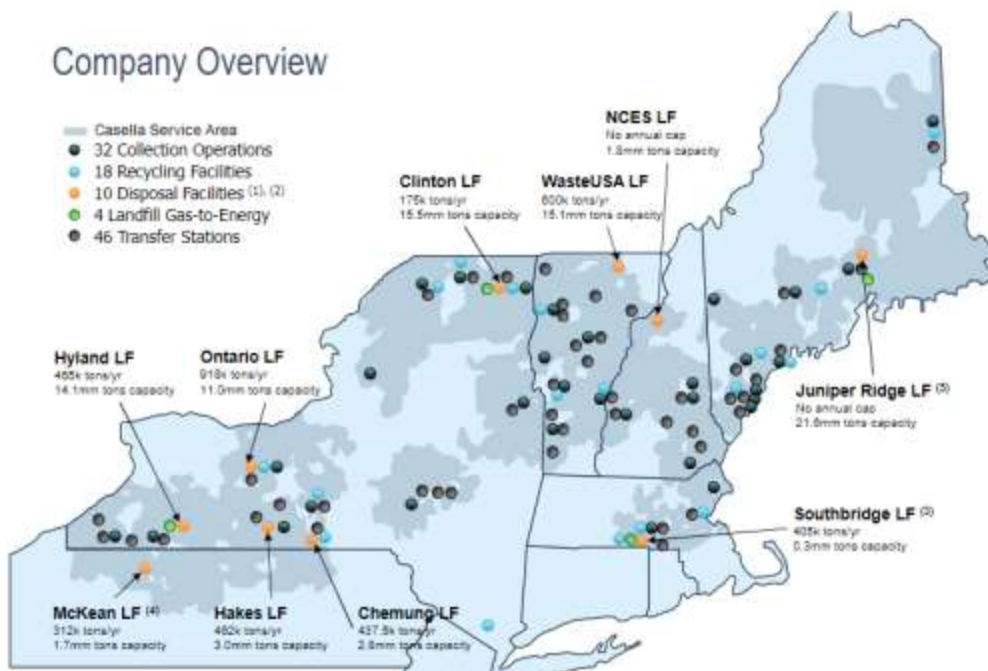
Shawn Sauro

In his email, Weld, the Casella PR officer, did not respond to an emailed question about the company's stance — pro, anti, or neutral — on the proposed landfill moratorium law.

He also did not respond to the question: "Will Casella continue to grow crops on the fields used for spreading, and if so, who will manage that farming activity?"

Spreading municipal sludge composed mostly of human wastes on farm fields is a common, long-standing practice across the nation. However, recent evidence that municipal sludge is typically contaminated with PFAS 'forever chemicals' has stirred controversy across New England and Canada.

Last year, Maine banned field spreading of municipal sludge after several dairy herds that fed off sludge-spread fields produced milk that was too contaminated to sell.



Casella Waste Systems operates landfills in Ontario and Chemung counties as well as the Hakes Landfill in Steuben County and the Hyland Landfill in Allegany County.

In Canada, organizations of chemists, veterinarians and agronomists recently urged their government to ban all imports of municipal sludge from the U.S., and they urged the public to stop applying sewage sludge to fields and mixing it with compost. In a joint statement, they cited the "disturbing presence" of PFAS (<https://waterfrontonline.blog/2022/12/13/new-york-regulators-take-no-evil-stance-on-evidence-sewage-sludge-and-effluent-is-contaminated-with-pfas/>), chemicals in the sludge imports.

New York does not require testing of sewage sludge for PFAS, a class of thousands of common man-made chemicals used to make cookware, water-resistant clothing, stain-resistant furniture and dozens of other household items. PFAS compounds are toxic in doses as low as a few parts per trillion and are long-lasting.

Despite mounting concerns about the environmental dangers of sludge spreading, Hargrave said he believed it would be challenging to pass a local law prohibiting it in Thurston because of far-reaching "right-to-farm" (https://en.wikipedia.org/wiki/Right-to-farm_laws) laws.

In New York, standard farming practices are typically protected even if odors, noise or other nuisances harm adjacent property owners or the public. The author of an article in the 2020 Syracuse Law Review, among many other people, has argued that the state's farm protection laws go too far.

"Under the current status of the laws in New York, there is no remedy for residential people when nuisances substantially infringe on their rights to use and enjoy their land, even if they were there prior to the agricultural practice," Shannon Knapp wrote in her law review analysis entitled "Right to Farm or

[Right to Harm \(https://lawreview.syr.edu/wp-content/uploads/2020/10/659-687-Knapp.pdf\)?](https://lawreview.syr.edu/wp-content/uploads/2020/10/659-687-Knapp.pdf)”

Hargrave said that while Leo Dickson & Sons has enjoyed special legal protection as a farming operation, Casella’s legal status as a sludge spreader isn’t quite as clear.

Published by Peter Mantius

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