

Ignoring Casella's Request, Thurston Board Votes 5-0 for Moratorium That May Interfere With Its Sludge Business

[Peter Mantius](#) [February 16, 2023](#) [Uncategorized](#)



THURSTON, Feb. 16, 2023 — In step toward controlling or even preventing the spreading of municipal sewage sludge on up to 2,789 acres in Steuben County, the Town of Thurston's board voted 5-0 last night to pass a [one-year moratorium](#) on permits for new or expanded landfills and solid waste operations.



After six months of virtual silence, Casella sent Tim Langlois from its Vermont headquarters to present a slide show to the Thurston Town Board last night.

spreading operation, the board declined Casella's request to amend the moratorium language.

Board member Michael Volino said it seemed "fishy" to him that Casella took control of the Steuben property just weeks after Maine had banned the practice of spreading municipal sludge on its fields, crimping Casella's major sludge operations there. Cows from several Maine farms had to be destroyed because their milk was too tainted with PFAS 'forever chemicals' to sell. Tests linked the PFAS to the sludge.

The action complicates Casella Waste Systems Inc.'s ongoing efforts to convince the state to transfer a sludge spreading permit for the Bonny Hill property from Leo Dickson & Sons to Casella Organics, which [quietly bought or leased](#) the farmland last July.



Casella officials promised a standing-room-only crowd that they would never develop a landfill on the site, and they said they didn't object to a moratorium on new permits for landfills. But they urged the board to drop the wording that extends the moratorium to solid waste projects.

"It's hard to go into this with our hands tied behind our backs," said Tim Langlois, director of operations for Casella Resource Solutions.

But after several high-strung speakers complained about ruined private water wells, foul odors and dangerous truck traffic during the Dickson's decades-long sludge

“What you guys want to do on Bonny Hill, you could not do in Maine. Am I correct?” Volino asked Langlois.

“That’s true,” he responded.

At the board’s [previous meeting Feb. 1](#), three Casella officials sat silently and listened to moratorium discussions but declined to give even a brief description of the company’s plans to the board or the public.

Last night Langlois, who works out of Casella’s headquarters in Rutland, Vt., opened the meeting with a slide show that began with an apology.

“We realized today that we missed a step in acquiring the Dickson facility,” he said. “We should have been out in front of you guys months ago.”

Langlois went on to announce that Mary Rayeski, one of the three quiet observers two weeks ago, would supervise the Bonny Hill facility. A local landowner stood to ask whether Rayeski had ever worked for the Dickson spreading operation. She said she had, for 15 years.



Brett Dickson

Rayeski explained that she understood the voiced concerns about the Dickson practices but added: “I thought the community ... would be more welcoming, a little more excited about the fact that, you know, maybe things can turn around.”

Brett Dickson weighed in from the back of the hall, as this generation’s leader of the family operation.

“I know there’s been a lot of bad stuff on that hill as far as not appropriate for the public ... I’m different,” Dickson said. “I don’t have anything to do with what happened in the past with odors and stuff like that. I just know we grow great crops with a (minimum amount of fertilizer).”

Due to previous sludge spreading, 900 acres of the 2,789-acres property are so saturated with phosphorus that they are not legally eligible for further land application of sewage sludge.

Rayeski said Casella would limit spreading to the remaining acres, where the Dickson family intends to continue to grow corn and soybeans. “They are crop farmers,” she said.

It’s not yet clear whether the moratorium will interfere with Casella’s plans, said Rachel Treichler, the Hammondsport attorney who drafted it.



Mary Rayeski

The one-year pause on permits would only begin after the state approves all the moratorium paperwork, a process that could take several weeks.

It is possible, Treichler said, that the moratorium would not apply if the DEC approved a simple permit transfer that does not allow for an expansion of the operation. However, if the transfer includes significant conditions, the moratorium could easily come into play, she said.

“I would be expecting to hear from Casella as a result of the (moratorium) decision tonight,” Treichler said. “I think Casella will be coming to the board with questions, comments and suggestions. If they decide to sue, they have 30 days under the town law to challenge an action by the town.”

Treichler said she and another attorney from Cattaraugus County would be willing to serve as pro bono defense attorneys in a lawsuit brought against the town.

Volino said the board was aware of reports that Casella was seeking an amendment to the transfer that would allow Bonny Hill to accept municipal sludge from Bay Park, a huge wastewater treatment plant in Nassau County just east of JFK International Airport.



Wendy Lozo announced last night plans to resign as Thurston Town Supervisor. Michael Volino agreed to serve as interim Supervisor from Mar. 1 through Dec. 31, the remainder of her term.



Bay Park has permitted capacity of 70 million gallons a day — far more than the other roughly two dozen WWTPs permitted to send their waste to Bonny Hill.

By comparison, the Watkins Glen/Montour Falls sewage treatment plant has a capacity of 1.2 mgd, while the

Long Island's Bay Park Sewage Treatment Plant: A new customer for Casella in Thurston? Ithaca plant's capacity is 6.5 mgd. When asked, Casella officials said they

could not immediately say exactly how many treatment plants were permitted to ship municipal sludge to the Bonny Hill facility. But they said they could find out.

“(Bay Park would) at least double the operation that the Dicksons had,” Volino said. “Everyone here should request that the DEC come here and talk to us because they say (they) don't need to hold a public hearing.”

The board later voted unanimously for a resolution requesting that a DEC representative come before them to explain the agency's plans for handling the proposed permit transfer.

In other business, Wendy Lozo announced that she planned to resign for personal reasons, effective in two weeks. Volino praised her work as supervisor and agreed to serve as interim town supervisor from the remainder of Loco's term, from March 1 through Dec. 31. Earlier this year, the town attorney who had drafted a previous version of the moratorium, also resigned on short notice.