

Water Front- Peter Mantius

Environmental politics in New York's Finger Lakes

After Thurston Officials Say They'll Vote by Sept. 20 on Law to Ban Sewage Sludge Spreading, Casella Issues Legal Warning

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THURSTON, Aug. 29, 2023 — A Steuben County town's plan to hold a final vote Sept. 20 "at the latest" on a proposed local law banning field-spreading of municipal sewage sludge prompted warnings last night that the law would be challenged in court.

“Let’s face it. The Town of Thurston is likely to wind up in court over this issue,” Janet Thigpen, chair of the Steuben County Water Quality Coordinating Committee, told the town board at a public hearing last night.

Casella bought the Leo Dickson & Sons sewage sludge spreading operation last July. It is seeking to have a state spreading permit transferred to its Casella Organics subsidiary.

Thigpen spoke moments after Larry Shilling of Casella Waste Systems Inc. said the proposed law “takes our rights away as a business in the town. We will continue to defend those (rights).”

Another Casella official then passed out copies of a six-page [Aug. 25 letter](https://waterfrontonline.files.wordpress.com/2023/08/tomwestaug252023letterpdf.pdf) (<https://waterfrontonline.files.wordpress.com/2023/08/tomwestaug252023letterpdf.pdf>) from the company’s attorney in Albany, Tom West, addressing “the many infirmities that plague Local Law #3.”

The town’s proposed ban on sludge spreading comes in response to Casella’s purchase last July of the sewage spreading operation of Leo Dickson & Sons Inc. on about 2,700 acres around Bonny Hill, an area that includes parts of the towns of Thurston, Cameron and Bath.

Casella has applied to the state Department of Environmental Conservation to have the Dickson sludge spreading permit transferred to its Casella Organics subsidiary. It is also asking the DEC to add a major new source of sewage sludge from Long Island.

Thurston Town Supervisor Michael Volino has said that numerous studies have found that sewage sludge is often laced with dangerous levels of PFAS ‘forever chemicals.’ He noted that Casella bought the Dickson operation just weeks after Maine banned sludge spreading, crimping the company’s business prospects in that state.

Volino said last night that he’d originally planned to hold the final vote on the law that night. He noted that speakers at several recent public hearings and a survey of town residents reflected widespread local support for the law.

Marie Shearing

“However, the county planner has yet to issue her recommendation,” Volino said. “Therefore we are not able to hold a final vote this evening.”

The Steuben County planner, Marie Shearing, has 30 days to issue her recommendation. If she favors the law, a 3-2 town board vote would be enough to enact it. If she recommends against the law, a 4-1 vote — a supermajority — would be required for passage. In any case, a unanimous favorable vote appears likely, based on supportive statements by all five board members.

Volino said last night the board would hold its final vote on the law at its regular meeting Sept. 20 “at the latest” — or sooner, if Shearing issues her ruling well before her 30-day deadline.

Rachel Treichler, who helped draft Thurston’s proposed law to ban sewage sludge spreading, spoke with Janet Thigpen (right) after the town board’s hearing last night.

But Thigpen told the board members they were

moving to quickly.

“I recommend tabling this motion until the town can get some expertise — both scientific and legal — to help make sure that you’re moving in the right direction and keep yourself out of legal trouble,” she said.

Thigpen said she shared the board’s concerns about water quality and environmental contamination. But she recommended “hiring an attorney with extensive expertise regarding the state law.” She also argued that the board needed to develop “legally defensible” scientific evidence that the law is necessary.

“If there is no contamination of our resources, then we don’t want to burden the farmer and industry,” Thigpen said. “But if there is contamination, we certainly want to know it and act accordingly.”

Tom West

In his Aug. 25 letter, West argued that the town board had skipped a step in the State Environmental Quality Review Act review required for the proposed law. He called it a “fatal defect.” West asserted that the board needed to — but failed to — identify and notify the DEC and the state Department of Agriculture and

Markets, as “interested parties” in the review.

Volino said he is not convinced those agencies need to be part of the review process.

Casella’s Mary Rayeski, manager of the company’s Bonny Hill facility, wrote state Agriculture Commissioner Richard Ball (<https://waterfrontonline.blog/2023/08/26/casella-urges-agriculture-commissioner-to-help-it-derail-thurstons-plan-to-ban-sewage-sludge-spreading-on-its-fields/>) on Aug. 23 to urge him to promptly declare his agency’s interest in the case.

“We respectfully request your office to intervene prior to the Town of Thurston’s special meeting on Aug. 28,” Rayeski wrote (<https://waterfrontonline.files.wordpress.com/2023/08/maryrayeskitoagandmarketsaug23-1.pdf>).

Ball hasn’t publicly responded to her request. He did not answer phone and email requests for comment from WaterFront.

Published by Peter Mantius

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