Concerned Citizens of Cattaraugus County, Inc.

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Casella Waste Systems in Angelica, NY

In 1996 Hyland succeeded in forcing the Town of Angelica to amend its local landfill ban law by threatening the town with prolonged litigation. However the amended local law limited the landfill to 28 acres and to accepting only incinerator ash. Casella Waste Systems bought the landfill two years later and again sued the town, ultimately forcing it to allow a regional solid waste landfill, but the 28-acre limit remained in place till 2002. On November 2, 2004, local voters approved by referendum a 48-acre expansion, and the Town Board followed suit. On October 26, 2006, an administrative law judge heard local concerns about the manner in which the existing landfill is operated at a public meeting but dismissed all such concerns as lacking evidence and directed DEC staff to issue all required permits for the expansion.

HISTORY

The landfill was permitted in 1995 as an ash monofill under a decision of former DEC Commission Zagata, against the recommendation of his administrative law judge that the site was unsuitable due to its high water table. Immediately following the Commissioner's decision Hyland brought a Commerce Clause suit against the Town. In 1996 the Town proposed to settle the suit in exchange for the host community agreement, approved 3-2 by the Town Board.

Concerned Citizens of Allegany County, Inc., opposed the settlement in federal district court in Buffalo, which was required to grant judicial approval of the pact in the interest of justice. Evidence was submitted of private meetings in Town Board members' homes with Hyland's attorneys in violation of the state open meetings law, but in vain; in 1997 a federal district court approved the settlement.

Casella Waste Systems, Inc., of Rutland, Vermont, purchased Hyland following judicial approval of Angelica's host community agreement. Soon thereafter Casella applied for an modification of the Hyland permit, to accept municipal solid waste.

On March 6, 1998, Casella's Hyland Landfill was granted the modification. The modification does not change the design capacity of 500 tons per day for 19 years in two landfill cells on 28 acres, and lifetime volume of 2.5 million cubic yards. In August, 2000, NYSDEC granted the landfill another modification to its permit, increasing the allowable annual tonnage by 50 percent, to 234,000 tons from 156,000 tons annually.

CASELLA CONNECTION

The purchase of Hyland is part of a program of merger and acquisition the waste company has has pursued since 1994. Since then Casella has acquired over 100 garbage companies. These waste facilities, located primarily in Vermont, New Hampshire, Maine, northern Massachusetts, upstate New York, and northern Pennsylvania, include five solid waste landfills, two construction and demolition debris landfills, 49 transfer stations, and 14 recycling facilities. However, western New York is the latest market Casella has broken into, including purchases of transfer stations and landfills in Erie and Chautauqua counties and in Olean, NY, as well as the Hyland Landfill in Allegany County.

The company's glitzy website, www.casella.com, hides a dismal record of environmental violations, lawsuits by host communities and community complaints, mostly in New England where they've operated the longest and dominate the waste industry.

Casella is reportedly now increasing disposal fees for recyclables at its Southern Tier transfer stations in western New York to approximately $50 per ton. The local market rate for solid waste disposal is about $30 per ton. (Hyland gets $35.) Local governments in the three counties believe Casella plans to monopolize the regional waste market in order to force publicly owned landfills in Chautauqua and Allegany counties out of business.

In the summer of 2003, Casella emerged as one of two bidders for McKean County's publicly owned landfill, just across the state line from Cattaraugus County. However, the Solid Waste Authority board members are considering Casella's record before they make any decision.

WHERE DOES THE WASTE COME FROM?

According to Hyland's 2003 Annual Report to the DEC, Hyland takes in four times as much garbage from the Bronx than from all of Allegany County. The dump took in 31,634 tons of garbage from all New York city boroughs in 2003, compared to 294 tons from Allegany County. 12,510 tons came from Cattaraugus County, presumably via Casella's hauler SDS of Olean and the Olean Homer Street transfer station owned and operated by Casella.

https://concernedcitizens.homestead.com/maplink\_Hyland.html