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TOWN OF THURSTON
PUBLIC MEETING

In Re:

PROPOSED THURSTON LOCAL LAW NUMBER 3 -
BAN SEWAGE SLUDGE SPREADING IN THE TOWN

Held On: August 28, 2023

Held At: 7578 County Route 333
Campbell, New York 14821

TONIA L. TINKER
Hearing Reporter

APPEARANCES (TOWN OF THURSTON):

Michael Volino, Thurston Town Supervisor
Holly Chase, Deputy Town Supervisor
Noel Sylvester, board member
Dan Gee, board member
Jennifer Hargrave, board member

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1 MR. VOLINO: Good evening. It's
2 6:00. I will call the public hearing
3 for Local Law Number 3 for the year 2023
4 to order.

5 Can we please start by standing for
6 the Pledge of Allegiance?

7 (Pledge of Allegiance.)

8 MR. VOLINO: We are here to accept
9 public comment this evening on Local Law
10 Number 3 of the year 2023, sewage sludge
11 disposal law of the town of Thurston.
12 This proposed law is meant to protect
13 the health and well-being of town
14 residents who have been dealing with the
15 effects of land application of sewer
16 sludge for 40-plus years.

17 I would like to note this meeting
18 is being recorded as well as being
19 transcribed by CSR Court Reporting of
20 Big Flats.

21 A great concern to the town board
22 is Casella's request to add Bay Park
23 Wastewater Treatment Facility, located
24 in Nassau County, to the existing

1 Dickson land spreading permit through a
2 permit modification. Nassau County has
3 some of the highest levels of PFAS
4 contamination in their drinking water in
5 the state and Bay Park has no apparent
6 way to filter PFAS compounds from the
7 sewage sludge.

8 This is alarming given all sewage
9 sludge has been shown to be contaminated
10 with PFAS compounds, which are being
11 linked -- which leech into the
12 groundwater of adjacent landowners and
13 they are being linked to several
14 negative health effects such as cancer.

15 Keep in mind, Casella came to
16 Thurston after Maine banned the practice
17 of spreading sewage sludge on farmland.

18 As you may all know, on
19 August 10th, the Thurston Town Board
20 held an open public comment at the
21 Campbell Savona High School auditorium
22 to accept public comment on the proposed
23 law. The meeting was attended by
24 70-plus people, including DEC officials

1 who were asked to attend at the request
2 of Governor Hochul. Much of the
3 community spoke in favor of the proposed
4 ban. The official transcript of this
5 meeting is posted on the town website.

6 We also conducted a town-wide sewer
7 sludge survey of which we received 48
8 results, 95 of which wanted the town to
9 move forward with the law banning the
10 disposal of sewage sludge. A copy of
11 the survey is on file with the town
12 clerk.

13 It had originally been the board's
14 intent to hold a final vote this evening
15 on Local Law Number 3; however, the
16 county planner has yet to issue her
17 recommendation. Therefore, we are not
18 able to hold a final vote this evening.
19 She has 30 days to issue her
20 recommendation. Therefore, we can hold
21 the vote -- at the latest, we will hold
22 the vote at the beginning of our regular
23 meeting on September 20th.

24 If, in the next week or two, she

1 issues her recommendation, I will call a
2 special meeting to hold a vote on Local
3 Law Number 3. So stay tuned to our
4 Facebook page as well as our town
5 website.

6 So prior to public comment, I would
7 like to start by I'm going to pass out,
8 we have two letters. The first was on
9 Wednesday, August 23rd, I was copied on
10 a letter that was sent to New York State
11 Agricultural and Markets Commissioner
12 Richard Ball. It was sent to them by
13 Mary Rayeski, she's the division manager
14 for the Bonny Hill Organics Facility.
15 And I would like to start by reading
16 this letter and then I will follow with
17 my response.

18 Now, keep in mind, this letter as
19 well was sent to David Vitale, who was
20 the commissioner that came to our
21 meeting at the high school, he was
22 requested to come by the governor, also
23 their lawyers, Mr. West and Cindy Monaco
24 were copied on it, and they also copied

1 their Albany lobbyist, Dan Plummer on it
2 as well.

3 So I will start: "Dear
4 Commissioner Ball --" I will wait until
5 everyone gets their letter and then
6 start. The letter is also posted on our
7 town website. I apologize if there's
8 not enough copies.

9 The letter starts out: "Dear
10 Commissioner Ball, we are reaching out
11 to you regarding a recent threat to the
12 continued operation of Bonny Hill
13 Organics Facility. The facility is
14 located in the town of Thurston, Steuben
15 County, New York and is permitted for
16 land application of biosolids, including
17 sewage sludge, on a number of farms in
18 agricultural districts in the town of
19 Thurston and surrounding towns.

20 "As more fully explained below,
21 continued operation of the facility is
22 now being threatened by a new proposed
23 local law, Town of Thurston Local Law
24 Number 3, which bans land application of

1 such biosolids from state-permitted
2 facilities.

3 "More specifically in terms of
4 pertinent background, on July 21, 2022,
5 Casella purchased Dickson's
6 Environmental Services, Inc.'s facility,
7 located in the town of Thurston. This
8 acquisition included the assets of the
9 land application operation that Leo
10 Dickson & Sons and Dickson Environmental
11 Services operated since the late '60s.

12 "The acquisition includes 150 acres
13 on which the facility is located, as
14 well as the transfer of the land
15 application permit. Casella leases the
16 remaining 2,700 acres for land
17 application, all of which are in the
18 town of Thurston, town of Cameron, and
19 town of Bath. The Part 360 land
20 application permit transfer application
21 is in the final stage of review with New
22 York State DEC Region 8. The Bonny Hill
23 Organics Facility and all the land
24 application sites are in Agricultural

1 District 1 and Agricultural District 2
2 in Steuben County, New York.

3 "A specific example of reliance on
4 land application of biosolids is Leo
5 Dickson & Sons, Inc., which is a
6 third-generation farm. In October of
7 2021, Dickson sold all livestock and now
8 operates as a crop farming operation
9 growing corn, soybeans, and alfalfa.
10 Dickson has operated a dairy farm in
11 conjunction with a Part 360 land
12 application permit since the late 1960s.

13 "Dickson has been dependent on
14 biosolids for soil amendment since the
15 late 1960s. Since the sale of the
16 livestock, there is no longer manure
17 available for land application and,
18 therefore, the biosolids are solely
19 being relied on for the nutrients to
20 grow the crops. Land application of
21 class B biosolids is an approved
22 practice in New York State and supports
23 the New York State Solid Waste
24 Management Plan's efforts to recycle

1 organics that can be used for beneficial
2 use, as opposed to disposing of the
3 organics in landfills.

4 "In other words, as a matter of
5 public policy, the New York State DEC
6 supports land application of biosolids,
7 as such reduces use of chemical
8 fertilizer, which has adverse
9 environmental impacts and also reduces
10 the amount of organic waste destined for
11 landfill disposal.

12 "Moreover, as your office has found
13 in the past, New York State DEC's
14 comprehensive regulations regarding land
15 application of biosolids protect public
16 health. In fact, the New York State DEC
17 is presently in the process of
18 promulgating new standards for land
19 application of biosolids, which will
20 further enhance protections to ensure
21 public health and safety. Importantly,
22 land application of biosolids in lieu of
23 chemical fertilizer has proven to be
24 very beneficial for Dickson's farming

1 operation and for the continued
2 operation of other area farms. The ban
3 of this practice on this farm would be
4 devastating, both financially and
5 agronomically, due to the rising cost of
6 commercial fertilizer and the benefits
7 of organic fertilizer versus commercial
8 fertilizer.

9 "In February 2023, Town of Thurston
10 Local Law Number 1 was passed. This
11 moratorium as written did not have an
12 impact on Casella's land application
13 operations because the moratorium only
14 applied to expansions or new Part 360
15 permitted facilities. The neighboring
16 towns of Cameron and Bath followed with
17 the same moratorium.

18 "On Monday, August 14th, the Town
19 of Thurston proposed Local Law Number 3
20 of 2023, a local law regulating the
21 disposal of sewage sludge effectively
22 banning the land application of
23 biosolids in the town of Thurston. This
24 local law has been categorized as a Type

1 1 State Environmental Quality Review,
2 SEQR, action. A Type 1 action requires
3 coordinated review with all involved
4 agencies and notice to interested
5 agencies. However, the town has only
6 involved the local county planning
7 department, but no state agencies.

8 "Casella believes that the New York
9 State DEC is an involved agency because
10 the proposed local law affects, by
11 invalidating, the facility's
12 longstanding Part 360 land application
13 permit, which currently is in the
14 process of being transferred to Casella.
15 Casella also believes that the New York
16 State Agriculture and Markets is an
17 involved agency because the proposed
18 local law directly impairs agricultural
19 practices in New York State and sound
20 agricultural practices, such as land
21 application of biosolids, in
22 agricultural districts is protected
23 under the Agriculture and Markets Right
24 to Farm Law.

1 "Troublingly, the SEQR documents
2 also fail to acknowledge any adverse
3 environmental impacts from the ban of
4 organic fertilizer. The proposed ban
5 surely will result in, among other
6 things, the increased use of chemical
7 fertilizers, with resulting
8 environmental impacts, and an increased
9 burden on landfills.

10 "These issues need to be identified
11 and vetted through the SEQR process,
12 with proper notice to and involvement of
13 involved and interested state agencies.
14 Therefore, we respectfully request your
15 office to intervene prior to the Town of
16 Thurston's special meeting on August
17 28th.

18 Finally, if the Town of Thurston is
19 successful with this ban, precedent will
20 be set. The adjoining towns of Cameron
21 and Bath will follow suit, as they did
22 with the earlier moratorium, effectively
23 closing this facility, and these
24 localities will continue to push their

1 agenda throughout the state. This
2 underscores the need for involvement of
3 your office before the enactment of this
4 local prohibition, which is contrary to
5 state policy and practice."

6 And then, she states to reach out
7 to her with questions. Keep in mind,
8 towns have the ability to enact stricter
9 laws than the state.

10 I, on Friday, August 25, 2023, sent
11 a letter to Commissioner Ball upon a
12 request from the town board. I copied
13 on this letter State Senator Tom O'Mara;
14 Assemblymember Phil Palmesano; DEC
15 Commissioner Basil Seggos; David Vitale,
16 DEC acting deputy commissioner; Timothy
17 Walsh, acting director of Region 8; Bob
18 Manley, Cameron town supervisor; Ronald
19 Smith, bath town supervisor; Mary
20 Rayeski and Mr. West, Casella's lawyers.

21 I wrote: "Dear Commissioner Ball,
22 I am writing in response to the letter
23 sent to you on August 23rd by Mary
24 Rayeski, a Casella manager. This letter

1 accurately states that the Town of
2 Thurston is considering a local law to
3 ban the spreading of sewage sludge in
4 our town.

5 "We are considering adopting a ban
6 on sewage sludge spreading to protect
7 the health and safety of town residents.
8 The town wishes to establish stricter
9 standards than the standards established
10 by the New York State Department of
11 Environmental Conservation because we do
12 not believe that the DEC standards are
13 sufficient to protect the town residents
14 and the environment from the harms
15 caused by sewage.

16 "The residents of our town have
17 experienced many years of sewage sludge
18 spreading and are eager for the town to
19 enact a ban. Recent disclosures about
20 the ubiquitous presence of PFAS in
21 sewage sludge have heightened local
22 concerns. These concerns appear to be
23 supported by recent tests of private
24 drinking water wells near the sludge

1 spreading operations, which show total
2 PFAS of up to 18.1 parts per trillion.

3 "Casella has informed us that they
4 have conducted PFAS testing of the soils
5 in the Dickson fields, but they have not
6 provided any PFAS test results to us.
7 We have requested PFAS test results from
8 DEC for some of the wastewater treatment
9 plants sending sludge to Dickson's, but
10 DEC has not provided any treatment plant
11 PFAS test results to us:

12 Our ban is not intended to be
13 violative of the Right to Farm Law. As
14 we understand it, the Right to Farm Law
15 does not apply in situations involving
16 public health and safety as sewage
17 sludge spreading does."

18 And I stated we have a scheduled
19 meeting for this evening and I invited
20 any members of the Department of
21 Agriculture and Markets to attend if
22 they would like to.

23 I would like to state, you know,
24 Mary Rayeski in the letter, she takes

1 issue with the town's SEQR documents. I
2 will remind you that the SEQR documents
3 that are submitted are draft form. The
4 final forms will be attached, you know,
5 when and if we pass Local Law Number 3.

6 And an explanation of why we
7 answered the way we did will be included
8 in that. And I'm happy to, you know,
9 open to attending of the answers that we
10 see -- if we gain evidence, you know,
11 within the next three weeks, that, you
12 know, by banning sewage sludge coming
13 into Thurston, we are going to somehow
14 going to be adversely impacting the
15 environment. And I don't know if the
16 board has thoughts on that, anything to
17 add.

18 With that, I conclude my remarks.
19 So we will -- at this point, we will
20 begin public comment. So if you want to
21 speak, there's a sign-up sheet here.

22 So we ask that you, you know, keep
23 your comments -- we have four speakers.
24 We ask that you keep your comments to

1 five minutes. Once everyone has spoken,
2 you may, you know, speak again.

3 When you come up to speak, please
4 identify yourself, spell your name, and
5 then please state the town you are from.

6 MS. CHASE: Michael, before you
7 start into that, we do have a question
8 on the chat.

9 MR. VOLINO: That's fine.

10 MS. CHASE: And you probably will
11 be able to answer this, they asked, it
12 was from Michael Fitzgerald from the
13 Finger Lakes Times asked what form will
14 the county clerk's recommendation on
15 Local Law 3 be? Is it a recommendation
16 for passage or denial format only?

17 MR. VOLINO: So she issues a
18 recommendation, if she does not -- and
19 Rachel can speak to this. My
20 understanding is if she does not agree
21 that we pass it, we have to have a
22 four-to-one vote. If she agrees with
23 it, we have to have a three to two vote.

24 Rachel, you can confirm that.

1 MS. TRIEHLER: Yes. It's a
2 recommendation whether to adopt the law
3 or not and their recommendation can be
4 overridden by a super majority.

5 MR. VOLINO: Any other questions,
6 Holly?

7 MS. CHASE: So far that was it.

8 MR. VOLINO: We will start with
9 Larry Shilling, Casella.

10 MR. SHILLING: So Mary is going to
11 pass out another letter from our
12 attorney for you guys to share.

13 My name is Larry Shilling,
14 S-H-I-L-L-I-N-G. I'm a vice president
15 for Casella Waste System and I live in
16 the town of Bath. So tonight I just
17 have a few short comments.

18 Now, Casella, we have a reputation
19 of being strong community partners,
20 supporting youth leagues, fire halls,
21 projects that the communities that we
22 operate in are, you know, supporting as
23 well.

24 We purchased the operation in

1 Thurston with the same hopes that we
2 could be a good community partner and
3 they would, you know, help support the
4 community with the things they want to
5 accomplish.

6 However, the path that we are on
7 kind of stands in the way. The town is
8 now considering passing a law that,
9 basically, takes our ranks away as a
10 business owner in the town and we intend
11 to defend those.

12 So the town board, as mentioned,
13 has not properly followed SEQR and part
14 of our letter speaks to that from our
15 attorney, that there are other
16 interested agencies, the EAF form, the
17 environmental assessment form wasn't
18 filled out right. Those things are all
19 subject to, if they did pass a law,
20 could be overturned.

21 And as far as Sierra Club tests and
22 finding PFAS in the water, all that
23 really did was confirm what everybody
24 knows. PFAS is everybody. It's in

1 everybody's water, it's in everybody's
2 blood. So we know that. All they did
3 was confirm what we already know. There
4 is no link directly to sewage sludge
5 application for the 30 years that it's
6 been going on.

7 Then, you know, land application is
8 beneficial to the environment. It
9 rebuilds the soils putting organic
10 matter in and it avoids disposal at a
11 landfill, which avoids greenhouse gases.
12 And so for those reasons, besides
13 nutrient value, it is important to the
14 environment. We think as long as it's
15 done right, which we intend to do, it
16 will be a benefit for everyone.

17 Casella is committed to protecting
18 the environment, supporting local
19 agriculture and being good neighbors in
20 our communities. That's all I have to
21 say.

22 MR. VOLINO: Thank you.

23 Next up is Wayne Wells, from
24 Cameron.

1 MR. WELLS: My name is Wayne Wells,
2 W-A-Y-N-E, W-E-L-L-S. And I'm a
3 spokesperson for the Cameron Committee
4 for a Safe Environment. The ruined
5 farms in states that have employed heavy
6 sludge and the destroyed farmers and the
7 expulsion of Casella from the state of
8 Maine begs reasoning behind the need for
9 a ban on sewage sludge use on farms.

10 The truth behind claims of sewage
11 sludge safety is that no one knows the
12 extent of the dangerous chemicals or the
13 interactions of them in any sewage
14 source. PFAS chemicals have barely been
15 studied.

16 At the August 10th, Thurston public
17 meeting, an Albany DEC spokesman, Sally
18 Rowland, pronounced sewage biosolids as
19 safe.

20 I wrote to Dr. Rowland asking where
21 she got her authority to declare
22 biosolids as safe since her PhD is in
23 waste management and confers no such
24 authority.

1 She wrote back citing two
2 scientists, one in Arizona, Dr. Anne
3 Pepper, who self-admits to being funded
4 solely by the waste industry money, and
5 Dr. Sally Brown of Washington State who
6 is partially funded by industry and
7 federal money.

8 The question we need to ask is why
9 did Dr. Rowland, an alumnus of Cornell
10 University, choose to accept
11 industry-funded scientist opinions in
12 states having soil and sewage
13 compositional differences from that in
14 New York over her colleagues at Cornell
15 professors emeritus, Donald Lisk and
16 Murray McBride who have, since 1981 to
17 the present, consistently and forcefully
18 warned against the use of sewage sludge
19 on farmland.

20 These eminently qualified
21 scientists with a range of expertise in
22 toxicology, soil chemistry, and
23 horticulture have researched the very
24 sludges land applied by the Dickson's on

1 our county, Steuben County's soils.

2 I reached out to Dr. Brown in
3 Washington State questioning her current
4 opinion on farm-applied sewage sludge in
5 light of the PFAS drinking water and
6 crop contamination crisis in Maine,
7 Michigan, and other states.

8 She never answered my question, but
9 offered a curious comment. Quote, this
10 is a quote from the DEC's prized
11 scientist source, "The biosolids are
12 typically applied at rates of 5 tons per
13 acre or less every few years. So you
14 get a big dilution. I don't know about
15 the levels of PFAS in Nassau County
16 drinking water or in their biosolids.
17 Depending on what regulatory values were
18 used for this may mean that Nassau
19 County is a real problem site. I don't
20 know," end quote.

21 Casella's plan is to apply 15 tons
22 per acre. Additionally, does dilution
23 justify persistent and accumulative
24 PFAS-contaminated sludge use for growing

1 our food? Limited studies on PFAS
2 chemicals are suggestive of soil
3 migration into drinking water from
4 contaminated biosolids.

5 New York City's water is protected.
6 So who is going to stand up to protect
7 your constituents' water if not you, the
8 town of Thurston? Thank you.

9 MR. VOLINO: Okay. Thank you,
10 Wayne.

11 The next speaker is Janet Thigpen.

12 MS. THIGPEN: Hi, I'm Janet
13 Thigpen, T-H-I-G-P-E-N, and I chair the
14 Steuben County Water Quality
15 Coordinating Committee.

16 I share your concerns about local
17 water quality. I share your concerns
18 about environmental contamination. I
19 applaud the efforts of citizens and town
20 officials to educate yourselves and to
21 protect your water quality.

22 But I want the actions that this
23 town takes to be legally defensible.
24 Let's face it, the town of Thurston is

1 likely to wind up in court over this
2 issue. So I would recommend hiring an
3 attorney with extensive expertise
4 regarding the state laws that give you
5 the authority to adopt this, whatever
6 you adopt, and that has some experience
7 with the case law associated with those
8 laws.

9 A knowledgeable attorney can first
10 help you to act in a legally defensible
11 manner, not make any mistakes in the
12 process, and then defend you in court if
13 that becomes necessary.

14 I'd also recommend an independent
15 technical assessment of the science
16 involved. Let's face it, these are
17 complicated issues. There are lots of
18 opinions and lots of scientific
19 information that may point the office in
20 directions. And the legislative
21 findings that are included in your town
22 law should all, every one of them, be
23 technically sound.

24 So I would recommend an independent

1 technical reviewer to confirm that each
2 of the supporting documents is
3 scientifically credible, that the
4 summary of the findings of those
5 technical documents is accurately
6 represented in the precise wording of
7 the findings.

8 Not that there's been any
9 necessarily problem with some of those,
10 but we just want a second -- I would
11 feel better for the town's sake if you
12 had a second opinion to confirm that
13 those things will withstand legal
14 scrutiny should that become necessary.

15 One example of the findings is
16 Finding Q. So this reports the results
17 of the sampling that was done for PFAS
18 of the local water. Supporting document
19 for this is not a technical report, it
20 does not have authors listed, it does
21 not tell us the credentials of the
22 authors. It's a Sierra Club
23 presentation.

24 Volunteers collected samples, it

1 does not -- the report doesn't -- the
2 presentation doesn't document their
3 sampling procedures, it doesn't talk
4 about chain of custody, which is
5 important if you have water quality
6 analysis that's going to have to
7 withstand legal scrutiny. We don't know
8 the credentials or the expertise of the
9 person who interpreted the idea data.

10 These are chemical public health
11 and regulatory issues that are complex,
12 and the analysis was not done by a
13 certified lab.

14 I agree the findings are
15 concerning. I'm glad they did it. I
16 think that's useful information. But
17 from a legal perspective, this
18 information should be considered
19 preliminary. Independent testing is
20 needed with analysis by a certified lab
21 and until that is available, I would
22 recommend that the town's finding
23 clearly state this is preliminary
24 information.

1 And this shouldn't preclude the
2 town from implementing temporary
3 precautionary measures until more
4 legally defensive information is
5 available. If there is no contamination
6 of our local resource, then we don't
7 want to burden the farmer and the
8 industry. But if there is
9 contamination, we certainly want to know
10 it and we want to act accordingly.

11 The other concern is also with the
12 definitions in the proposed law. I'm
13 worried they may not be sufficiently
14 precise. The definition for wastewater
15 treatment plan, as worded, could
16 actually be interpreted by some to
17 include on-site wastewater treatment
18 plants.

19 It talks about facilities that
20 collect sewage and return -- removes
21 contaminants. Every one of our septic
22 systems does that. I don't think the
23 town intends to ban, you know,
24 construction maintenance use of septic

1 systems, so I would recommend some
2 rewording of the definitions as well.

3 So I recommend tabling this motion
4 until the town can get some expertise,
5 scientific and legal, to help make sure
6 that you are moving in the right
7 direction and you can keep yourself out
8 of legal problems.

9 Thank you.

10 MR. VOLINO: Our next speaker is
11 Hanna from Southern Tier.

12 MS. HANNA: You can skip me.

13 MR. VOLINO: Oh, you are the same.

14 Okay. So that's all the speakers
15 that we had signed up. Is there anyone
16 else who would like to speak?

17 MR. MILLER: I'm David Miller. I
18 actually live in the town of Addison,
19 Campbell address, and I border Thurston.

20 I printed off a short little
21 paragraph here. According to cancer
22 biologist David Nguyen, PhD, toxic
23 chemicals include cadmium telluride,
24 copper indium -- I'm not a very good

1 reader, so you have to bear with me
2 here. I don't even understand some of
3 these words -- Indium selenide, cadmium
4 gallium (di)selenide, copper indium
5 gallium (di)selenide, hydrochloride,
6 lead, polyvinyl fluoride, silicon
7 tetrachloride, a byproduct of
8 crystalline silicon, is also highly
9 toxic.

10 And one of these chemicals here,
11 when it comes in contact with water,
12 gives off a toxic gas. Sounds pretty
13 nasty, don't it?

14 All right. You are worried about
15 the chemicals in your sludge. These are
16 the chemicals in a solar panel. You
17 want to stop the sludge, yet there's a
18 solar farm a quarter mile from my house.
19 All it takes, we are one hailstorm away
20 from an environmental disaster. So if
21 you are going to ban chemicals over
22 here, you need to do the other -- the
23 same on the other side of the street.
24 You know, maybe this is a little off

1 from what your public hearing is
2 tonight, but it goes down the same path.
3 Chemicals.

4 This is a concern I wanted to bring
5 up because, like I say, we are one
6 hailstorm away from a disaster. These
7 things, they don't even know how to
8 recycle them. At least with the sludge,
9 they have been working on it for years.

10 My biggest concern with Casella,
11 and I have had issues with them before,
12 will they follow the guidelines of who
13 is going to monitor it to make sure they
14 are only putting X-number of tons per
15 acre. There's a big issue there because
16 your code enforcement officer isn't
17 going to be able to stand there every
18 day when they spread this stuff.

19 Thank you.

20 MR. VOLINO: Thank you. I
21 absolutely agree with you with the solar
22 panels.

23 All right. Anyone else that would
24 like to speak?

1 MR. HENKE: Is this all financial
2 stuff? It's all about money? Casella
3 is making money and we get the shit?

4 MR. VOLINO: Well, basically. And
5 they may, you know, give us goodies here
6 and there so they can pollute our land
7 more, but yeah, that's basically --
8 there's no financial incentive for the
9 town, as I see it.

10 Your name, sir?

11 MR. HENKE: Alan Henke.

12 MS. TRIEHLER: Do people have to
13 come up front?

14 MR. VOLINO: Can you come up front,
15 Ruth?

16 MS. SCHOONOVER: No.

17 MR. VOLINO: Okay. So this is Ruth
18 Schoonover.

19 MS. SCHOONOVER: You have to
20 understand, I have problems with my legs
21 and walking right now is really hard.
22 But, I guess, I just don't understand
23 what's supposed to happen with all of
24 this? Because this comes from a long

1 time ago period when the towns told the
2 people, and I lived in one of these
3 towns, that you are no longer going to
4 have your well and you no longer are
5 going to have your septic tank.

6 You are going to go to a system.
7 Well, these towns had to figure out how
8 to take care of this stuff and didn't do
9 a very good job of it. I remember that.
10 And the Casella people are trying to
11 make a better position of taking care of
12 our crap because the town said no, you
13 can't have it.

14 The reason I know this is my father
15 had a perfectly good septic system and a
16 well in our backyard. The stepmother,
17 the next one that took over the house,
18 came to me and said, "You won't believe
19 what I have to do."

20 She had to give up her well and
21 give up her septic to be tied into this
22 big-ass system. So now you're telling
23 us that we should be back at the system?
24 That we shouldn't be having a big system

1 to take care of?

2 And I'm sure the people in Corning
3 and Riverside and Painted Post will not
4 be very happy to hear any of that.

5 MR. VOLINO: Well, so first of all,
6 everyone in Thurston continues to have,
7 you know, they can have private wells.

8 MS. SCHOONOVER: Yes, we do.

9 MR. VOLINO: But my responsibility,
10 the board's responsibility, is to the
11 residents of Thurston. In terms of
12 residents of the city of Corning or of
13 Long Island, it's not -- really, it's
14 not my certain. And why do we need to
15 accept all of this sewer sludge from
16 Long Island?

17 MS. SCHOONOVER: I'm not saying
18 about Long Island. But don't they also
19 take care of the people around us? I
20 mean --

21 PUBLIC MEMBER: City of Corning
22 goes to the Steuben County landfill.

23 MS. SCHOONOVER: I heard that Bath
24 does that now too. And I talked to

1 these people and they said they put it
2 through some kind of a process up there.
3 And somebody else works there says,
4 "Yeah, wait until it gets to the water."

5 So who do you believe? Who do you
6 believe? And that's my question.

7 MR. VOLINO: Thanks, Ruth.

8 Wayne?

9 MR. WELLS: I will repeat my name,
10 Wayne Wells, W-A-Y-N-E, W-E-L-L-S.

11 I want everybody to try and
12 understand what drives this. The goals
13 of recycling waste are important, but
14 they must be done correctly. What we
15 are seeing is in sewage sludge that
16 there has not been the scientific study
17 to understand the chemical reactions and
18 the constituents of what makes up sewage
19 sludges from one wastewater treatment
20 plant to the other.

21 So you have to ask why is Casella
22 wanting to bring up Long Island sludge
23 to our area to replace 28 already
24 permitted wastewater treatment plants?

1 My thinking is, it may be wrong, but
2 there's money involved because we have a
3 highly dense area of population that is
4 affluent, they have a huge amount of
5 sludge, they have to get rid of it. The
6 pressure goes to the state. This is a
7 political problem to get rid of the
8 state's big problem of pressure without
9 the scientific backing.

10 Now, I'm going to give you my
11 optimistic -- this is speculation. We
12 are in the age of AI. AI and deep
13 learning, I think, are the tools that
14 can analyze sludge, be able to see and
15 understand the complex problems that
16 Dr. Lisk, as a toxicologist, warned
17 against.

18 And if the people of Maine, people
19 of Michigan had listened to Dr. Lisk and
20 New York State and decided not to go
21 sludge, you wouldn't have farmers being
22 destroyed. You would not have farms
23 being closed down. You wouldn't have
24 cattle being destroyed until the science

1 was there.

2 And if we need to wait for these
3 tools to analyze this sludge, and I will
4 be the first one if I get the kind of
5 credible scientists that are still
6 warning today not to do this, if they
7 say they're convinced that it's safe,
8 I'm going to be the first one to support
9 it.

10 But I want you to understand that
11 this is a political problem, not a --
12 not solving recycling of waste that is
13 needed. And it has to be done right
14 because if it isn't done right, the
15 economic burden is going to come down
16 like a ton of bricks on this town, my
17 town, Bath, where this stuff is going to
18 be spread.

19 Long term. It's not going to
20 affect me. I'm going to be passing on.
21 But it's going to happen. And then,
22 what do you do? Once the land is
23 contaminated, what do you do?

24 Thank you.

1 MR. VOLINO: Anyone else that would
2 like to speak?

3 MS. ARNOLD: I just have one thing
4 to say. Rosemary Arnold. The farmer,
5 whatever he spread, made me sick. I'm a
6 cancer survivor and I do not want cancer
7 back.

8 MR. VOLINO: Thanks, Rosemary.
9 Anything else? Do you have any
10 questions, Holly?

11 MS. CHASE: No, just a
12 clarification on audio.

13 MR. VOLINO: If there's no other
14 public comment, we will conclude our
15 public hearing on Local Law Number 3.

16 Miss, where were you from again?

17 MS. THIGPEN: Water Quality
18 Coordinating Committee, which is made up
19 of different agencies and organizations
20 with an interest in water quality in the
21 county.

22 MR. VOLINO: Do you have any
23 interest in testing the waters of
24 Thurston?

1 MS. THIGPEN: Well, we have no deep
2 pockets. That's an issue. I think the
3 committee is interested in this topic.
4 I also work for Southern Tier Central
5 Regional Planning and Development Board.

6 MR. VOLINO: I think that's the
7 biggest thing, is learning the effects
8 of it in our groundwater that we all
9 drink and use. It would be nice if
10 something would get the attention of --

11 MS. THIGPEN: I have heard, through
12 the grapevine, that Casella is willing
13 to do testing of their product. You
14 would, of course, want an independent
15 person to be overseeing and taking the
16 samples and getting it to a lab, and you
17 would want them to be paying for a
18 certified lab, which, of course, Sierra
19 Club couldn't afford. I understand
20 that.

21 MR. VOLINO: There are certified
22 tests in the works.

23 MS. THIGPEN: Oh, good. And we can
24 look at grant funding. I have not

1 looked specifically for this, but I know
2 that the state is trying to target
3 resources to help what they call
4 underserved communities.

5 I would presume our rural
6 communities, we may be able to -- you
7 know, environmental justice is a
8 concern.

9 MR. VOLINO: What it boils down to
10 is the residents and the safety of
11 residents. I mean, I'm all for making
12 money, great, but is it safely done.
13 That's the main concern. As a board,
14 there's a lot that goes into this. It's
15 not just hey, let's throw a wrench in
16 there. You know, there's a lot that
17 goes into it. And, of course, they make
18 money and then they can pay us, increase
19 taxes, not simply just give us goodies
20 here and there.

21 MS. THIGPEN: And my concern is if
22 a law office supports public safety, you
23 are probably on really solid ground. My
24 concern is all of those findings that

1 connect the ban to the public safety, I
2 want to be absolutely sure that those,
3 every one of those is solid information.

4 MR. GEE: I can agree with that.

5 MR. VOLINO: Any other comments?

6 We will continue to wait and hear
7 what the county planner has to say,
8 continue discussing with our attorneys,
9 Triechler and co-counsel, Gary Abraham,
10 who I very much appreciate the help they
11 provide to the town.

12 And with that, I guess we have a
13 motion to adjourn -- motion to adjourn
14 the public hearing on Local Law 3, year
15 2023?

16 MR. SYLVESTER: I'll make the
17 motion.

18 MS. HARGRAVE: I'll second it.

19 MR. VOLINO: All in favor?

20 MR. GEE: Aye.


21 MS. CHASE: Aye.

22 (Hearing concluded.)
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CERTIFICATION:

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the above cause and that this is a correct transcript of the same to the best of my ability.



TONIA L. TINKER