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August 5, 2024

Mr. Michael Volino
Town Supervisor
Town of Thurston
7578 County Route 333
Campbell, New York 14821
Thurston.supervisor@gmail.com

**RE: Bonnie Hill Organics Facility (“Facility”): Litigation Status Regarding
Local Law No. 3 of 2023 (“Law”) & Permit Modification Status**

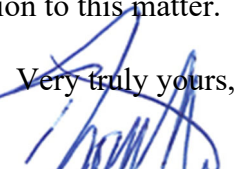
Dear Supervisor Volino:

On behalf of our client, New England Waste Services of M.E., Inc. dba Casella Organics (“Casella”), we write to update the Town Board regarding Casella’s intentions as to both the pending litigation regarding the Law and the permitting status of the Facility.

As to the pending litigation, Casella has decided not to revive the litigation given the failure to date of the Department of Agriculture and Markets to act on the pending review petitions. While not presently reviving the litigation, Casella does so with a full reservation of rights as to any determination by the Department of Agriculture and Markets. That is, if the Commissioner of the Department of Agriculture and Markets rules in favor of the pending review petitions, Casella reserves the right to litigate to enforce the result of the Commissioner’s determinations. Conversely, should the Department of Agriculture and Markets deny the pending petitions, Casella reserves the right to challenge those determinations.

As to the present status of the Facility, Casella is moving forward with a permit modification from the New York State Department of Environmental Conservation to re-establish and operate the composting facility at the Bonnie Hill location. Casella has provided information concerning that modification to the Town through your litigation counsel and will keep the Town informed as it moves forward with this process. As previously discussed with your litigation counsel, Casella repeats its offer that if the Town Board supports this permit modification, Casella would make a binding commitment to not land apply biosolids in the Town of Thurston in perpetuity, regardless of the Department of Agriculture and Markets decision. As further information is developed regarding the permit modification, we will keep you advised.

Thank you for your consideration and attention to this matter.

Very truly yours,

Thomas S. West

TSW/cmm
cc: New England Waste Services of M.E., Inc. dba Casella Organics