



November 30, 2011

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Ontario County Environmental Quality Committee  
c/o Kristen Mark Hughes  
Director  
Ontario County Planning Department  
20 Ontario Street  
Canandaigua, NY 14424

RE: Draft 10-Year Ontario County Solid Waste Plan

**Board of Directors**

Sam Bonney

Douglas Knipple

Edward Lavin

Dear Members of the Environmental Quality Committee and Mr. Hughes:

Please consider the following comments from the Finger Lakes Zero Waste Coalition, Inc. (FLZWC), on Ontario County's proposed draft 10-Year Solid Waste Management Plan (Plan). More than 270 residents of the Finger Lakes region have already submitted hard-copy comments on this Plan and many of their comments are reiterated below. We will be forwarding more specific suggestions on how to address the issues we raise below in the coming weeks recognizing that suggesting solutions to these issues is as important as bringing them to your attention. All quotes herein attributed to the New York State Department of Environmental Conservation's (DEC) are quoted from its final draft of *Beyond Waste: A Sustainable Materials Management Strategy for New York State* unless stated otherwise.

**General Comments**

The County has at least five potential methods for influencing the production and disposal of waste:

- 1. Services that are directly financed by County taxes.** This can include composting services, waste diversion programs, enforcement, education, etc.
- 2. Legislation, regulation and enforcement.** This can include establishing waste disposal fees, surcharges, bans and restrictions to promote reduction/diversion; creating and enforcing land-use, business licensing and zoning policies to ensure reduction occurs; enforcing regulations and laws that minimize waste and protect the public's health and safety.
- 3. The County as consumer.** This can include creating internal operation policies that set standards for the County to ensure that the County reduces the waste it generates, and establishing the County as a role model to demonstrate how waste can be reduced.
- 4. Educating the public.** This can be targeted towards policy-makers, residents, businesses and other agencies that generate waste.
- 5. Advocacy to promote waste reduction.** This can be targeted towards municipalities and State policy-makers to promote and support policies and efforts that will divert and reduce waste, such as supporting Extended Producer Responsibility regulations.

The proposed Plan does not clearly identify which method(s) the County will use to accomplish the “Implementation Items” listed. The Plan needs to outline the role of the County in more detail and specify what methods it will use to ensure the Plan’s success.

- The County is required by NYS law to have a Local Solid Waste Management Plan (LSWMP) approved by the State before the DEC can finalize any regulatory permits related to solid waste management, but the County must first be recognized by the State as a ‘Planning Unit.’ According to the DEC, Ontario County was originally part of the Western Finger Lakes Solid Waste Management Authority, “but DEC was notified in November 2008 by the Authority that Ontario and Seneca Counties are nonparticipating members in the Authority both in function and financially ... and accordingly will not be included in a new LSWMP.” The DEC lists Ontario County as “Not Currently Affiliated with a Recognized Planning Unit,” which means the County does not have a Comprehensive Recycling Analysis (CRA) in place. “The lack of a CRA makes them technically out of compliance with the state’s regulatory requirements, these requirements are ... enforceable in conjunction with a permit action or condition.” The County’s draft report does not provide any timeline on when the County will be recognized as a ‘Planning Unit’ by the State. This step is required before the state can approve the County’s proposed 10-year plan.
- The DEC is required to place “conditions on permits to prohibit most solid waste management facilities from accepting solid waste that was generated within a municipality that has not met core planning requirements by either completing a DEC-approved CRA or LSWMP or being included in another municipality’s approved CRA or LSWMP.” The 272 postcards submitted by individuals as hard-copy comments on the County’s draft 10-Year plan specifically request that the County’s Plan “require counties that ship their garbage to us to have strong household hazardous waste and recycling programs in place.” There is no requirement in the proposed Plan that addresses this issue.
- The Plan artificially limits its scope to waste generated within Ontario County and then defines ‘generated’ to exclude waste imported from outside Ontario County. NYS does not require the Plan to have such a restricted scope. As quoted above, the DEC has authority to limit permits when waste originates in an area without a CRA or LSWMP. The Plan needs to reflect the State’s intent and cover *all* waste that is inside Ontario County regardless of its origination point. Once it enters Ontario County, it is part of Ontario County. This is particularly relevant since more than 80% of the waste Ontario County manages originates outside the County. The 272 postcards submitted by individuals as hard-copy comments on the Plan criticize the importation of garbage and point out that “Continuing to take in outside garbage shortens the lifespan of our landfill.” The Plan needs to require areas that export waste to Ontario County to have a state-approved CRA or LSWMP in place before their waste is allowed into Ontario County. Ideally the County would require imported waste to have higher standards for waste reduction than in-County waste.
- The Plan does not provide any details on how the proposed implementation items will be financed. Waste reduction/diversion programs are unlikely to be implemented if the financial planning for those programs is ignored. Revenues generated from waste need to be directed first and foremost to reducing the County’s reliance on a landfill and extending the life of the existing landfill so that the County avoids the cost of finding a new site for a new landfill. Financial incentives and enforcement fees need to be specified. External costs associated with environmental and health concerns need to be estimated and included into cost/benefit calculations.

- Most of the proposed “Steps to Undertake Implementation” lack sufficient detail and substance to ensure implementation. Many simply say ‘consider’ or ‘encourage’ or ‘support’ without describing any specific actions the County will take. The Plan makes suggestions but does not specify goals and specific goals are needed in order to assess whether the County is making progress and the Plan is successful.
- The Plan’s proposed “Implementation Schedule” is not sufficiently detailed to ensure implementation. Progress towards the reduction/diversion suggestions cannot be assessed as successful or unsuccessful using the proposed schedule. Detailed timelines are necessary to monitor progress and redirect efforts as needed within the 10-year planning period.
- The Plan does not identify any method or metrics that the County will use to monitor progress in meeting the proposed suggestions, nor does it identify actions the County will take if it fails to meet a proposed suggestion in the proposed timeframe. The Plan needs to identify specific goals and timelines, and specific metrics to measure progress towards those goals. Suggestions and loose timelines are insufficient.

**Specific Comments: Implementation Items #1 (Establish a 10-Year Planning Period) and #2 (Continue use of Landfilling)**

The Plan should address the following specific items:

- Set specific and enumerated targets and goals to increase waste reduction and diversion. Identify how waste will be quantified and reduction/diversion will be measured so that progress towards targets and goals can be measured.
- Specify what methods the County will use to enforce existing and new public laws that regulate waste haulers and municipalities to prevent recyclable materials from entering the municipal solid waste (MSW) stream and the proposed impact of these laws on extending the lifespan of the existing landfills.
- Require all sources of waste entering Ontario County to have State-approved CRAs and LSWMPs in place that demonstrate the existence of adequate waste reduction, recycling and composting programs in the originating region by creating ‘flow-control’ legislation. This requirement is not in contradiction to the existing operation and management lease agreement (OML) with the current landfill operator, Casella Waste Systems, Inc. (Casella), since it does not limit the amount of MSW.
- Require specific waste diversion/reduction goals be met prior to allowing any expansions of the existing County-owned landfill to ensure the efficiency of the existing landfill capacity is maximized for waste that cannot be diverted or recycled.
- Require all landfills operating within the County to specify sources of Beneficial Use Determination materials that are used as daily cover.
- Require on-site pre-treatment of landfill leachate to remove chemicals and chemical elements such as heavy metals and toxic elements that cannot be removed by waste-water treatment plants. Require any leachate imported into the County to be pre-treated to the same standards. Require the pre-treatment waste to be disposed of in appropriate facilities and not returned back into the existing landfill.
- Identify how economic development policies will be used to ensure that waste diversion and reduction practices and businesses are supported, e.g., through incentive programs that preferentially provide grants, loans and technical assistance to businesses based on their waste reduction policies or business plans.

- Create County programs that reward and honor companies and businesses operating within the County for their waste reduction practices.
- Remove the development of a waste gasification plant at the County landfill as a goal of the Plan. This technology results in the thermal destruction of materials in the waste stream that could be reused or recycled, and would be a significant point source of air pollution in the County (see the letter submitted by Walter Boyer addressing this issue). It would also encourage the continued importing of waste into the County rather than the reduction of waste.
- Prohibit explicitly the use of County staff time and other resources paid for by County taxpayers to support DEC permit applications for waste gasification. It needs to be emphasized that in the public hearings conducted by the County to address the Plan, there was virtually no support expressed for the development of the proposed waste gasification plant save from individuals from the County Planning Department and the Environmental Quality Committee.
- Continue to support regulations and legislation that ban hydrofracking waste from Ontario County's landfill and consider policies that ban hydrofracking waste from waste-water treatment plants in Ontario County.
- Provide annual reports that specify the amounts of waste entering the landfill that is not MSW, how that waste is categorized (e.g., asbestos, sludge, incinerator ash, etc.), and how the volume of wastes other than MSW affect the estimated life of the landfill. Renegotiate the Operations, Management and Lease Agreement with Casella, or find alternative methods to generate revenue from these other wastes using a fee structure that allows revenues to increase based on the estimated environmental/public health risks associated with that particular waste stream.
- Modify internal procurement policies and bidding regulations with agencies that do business with the County to preferentially support agencies that reduce and divert waste.

**Specific Comments: Implementation Item #3 (Recycling)**

The Plan should address the following specific items:

- Define recycling to include materials other than glass, paper, metals, etc., and merge Implementation Items #3 and #9.
- Identify enforcement options to ensure implementation of existing and new recycling laws and regulations, including charging fees to haulers that mix MSW and recycling.
- Use enforcement fees to finance recycling programs.
- Identify specific incentives that will be used to encourage recycling.
- Identify actions that will be taken to support Extended Producer Responsibility (EPR).
- Specify how the County will 'support' materials exchange programs: i.e., create monitored 'reuse' drop-off facilities for furniture, appliances, housewares, clothing, etc., that are operated by the County, co-sponsored by the County, or facilitated by the County's economic development, land-use and zoning policies, and enforcement polices.
- Create a County-managed web site that maintains a current list of facilities that collect products that can be reused. Identify financial resources to establish and maintain this service for County residents.
- Require the use of alternative packing materials and reduce the use of packaging in all County facilities, e.g. eliminate the use of Styrofoam, establish contract bidding policies that reward businesses that support EPR, etc.
- Generate revenue by imposing a plastic bag fee/tax on all plastic bags used within the County.
- Specify how haulers will be regulated to enforce recycling laws.

**Specific Comments: Implementation Item #4 (Yard Waste)**

The Plan should address the following specific items:

- Specify how the County will ‘encourage’ private composting operations.
- Establish laws and regulations that generate revenue by penalizing the comingling of yard wastes with MSW.
- Finance County-operated or co-sponsored composting facilities.
- Address the issue of methane production from yard waste and identify potential financial planning options to finance programs that reduce the comingling of this waste stream with MSW, e.g., sources of grants, loans, etc.
- Require open bidding for contracts so that other vendors can compete with Casella to ensure that the most efficient and financially beneficial options are available to County residents to reduce this waste stream.

**Specific Comments: Implementation Item #5 (Backyard Composting)**

The Plan should address the following specific items:

- Expand the scope of this item to include restaurants, hospitals, and other businesses that generate organic waste.
- Specify goals, actions and timeframe to accomplish each action. Reducing organic waste is a priority in the State’s waste management plan and the proposed timeframe of “2014-2021 – Continue to promote existing programs” is inadequate to implement this priority.
- Address the issue of methane production from organic waste and identify potential financial planning options to finance programs that reduce the comingling of this waste stream with MSW, e.g. sources of grants, loans, etc.
- Require open bidding for contracts so that other vendors can compete with Casella to ensure that the most efficient and financially beneficial options are available to County residents to reduce this waste stream.

**Specific Comments: Implementation Item #6 (HHW)**

The Plan should address the following specific items:

- Specify how the County will increase the number of Household Hazardous Waste (HHW) collection events.
- Ensure that HHW events are held at multiple locations throughout the County.
- Identify financial resources to implement this item.

**Specific Comments: Implementation Item #7 (Support Local Municipalities)**

The Plan should address the following specific items:

- Take a proactive role in supporting local municipalities. Supporting municipalities on a ‘request’ basis is inadequate.
- Identify specific actions the County will take to ‘support’ municipalities, specific goals the County would like to attain, and how success will be measured.

**Specific Comments: Implementation Item #8 (C&D)**

The Plan should address the following specific items:

- Modify the fee structure for demolition permits to provide economic incentives for reuse and deconstruction efforts to minimize the disposal of construction and demolition (C&D) debris in landfills.
- Provide standardized language for permit fees and promote adoption of this language in all municipalities within the County.
- Allow multiple containers to be kept at the job site and require source separation of waste materials at the job site.
- Require open bidding for contracts so that other vendors can compete with Casella to ensure that the most efficient and financially beneficial options are available to County residents to reduce this waste stream.

**Specific Comments: Implementation Item #9 (Product Reuse)**

The Plan should address the following specific items:

- See comments for Item #3.

**Specific Comments: Implementation Item #10 (Unique Wastes)**

The Plan should address the following specific items:

- Establish regularly scheduled pharmaceutical collection events throughout the County.
- Establish the mandatory recycling of E-wastes and identify actions that will be taken to accomplish this goal, a timeline, and how success will be measured. The statement in the current draft Plan to ‘propose to evaluate the feasibility of expanding the list of mandatory recycled items to include E-wastes’ is inadequate.
- Create economic incentives to encourage businesses that collect E-waste, and to encourage collection events throughout the County.
- Create a County-managed web site that maintains a current list of facilities that collect ‘universal wastes’. Identify financial resources to establish and maintain this service for County residents.
- Specify how the County will ‘support’ and ‘promote’ the safe collection and disposal of pesticides.

**Specific Comments: Implementation Item #11 (Public Outreach and Education)**

The Plan should address the following specific items:

- Specify the education methods that will be employed and how they will be implemented. The vague statement in the current draft plan that these will be developed over the next 10 years is inadequate.
- Create a comprehensive listing/directory that is easily accessible of educational materials and resources available within the County to promote waste reduction/diversion. Identify financial resources to establish and maintain this service for County residents.
- Take a proactive role in identifying partners to help develop educational curricula that can be used in schools.
- Specify educational objectives and the target populations for each objective. Describe how success will be measured.
- Specify how outreach and education efforts by the County will be financed.

**Specific Comments: Implementation Item #12 (Agricultural Plastics Recycling)**

The Plan should address the following specific item:

- Describe specific actions the County will take to be ‘supportive.’

**Specific Comments: Implementation Item #13 (Pay as You Throw Programs)**

The Plan should address the following specific items:

- Draft standardize regulatory language that can be adopted by municipalities within the County to establish a ‘pay as you throw’ program.
- Require all municipalities within the County to adopt some form of ‘pay as you throw’ regulations with enforcement penalty fees. Set minimum requirements for the program. Specify how success will be measured. Allow fees to be used by the municipality to finance local education and enforcement of the regulations.

**Specific Comments: Implementation Item #14 (Amendments to County Recycling Law)**

The Plan should address the following specific items:

- Pass legislation that bans the disposal of organic wastes (yard debris, food waste and C&C) in the MSW waste stream.
- Develop regulations that provide economic incentives for companies that practice EPR in all County bidding processes.

Thank you for the opportunity to comment on the proposed Plan. We look forward to continuing to work with you on improving it for the benefit of the citizens of Ontario County.

Sincerely,



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President, Finger Lakes Zero Waste Coalition, Inc.

cc: Paul D’Amato, Director, DEC Region 8