

Steering Committee Member Comments of Preliminary Draft SWMP

Summary and Response

The Preliminary Draft Solid Waste Management Plan (SWMP) was distributed to members of the Steering Committee on December 15, 2009 for their review and comment before the Draft SWMP is finalized for public review and comment. Committee members were requested to provide their comments in writing by no later than January 29, 2010.

These comments have been summarized by subject area. When multiple comments were made on a single topic, the substance of the comment has been summarized. In these cases, the individual member comment (with name in parentheses) is presented in the bullets following the comment summary. The summarized and individual comments are presented in *italic type*.

A response to each comment is presented after each comment. The response includes a note regarding whether a change was made to the Draft SWMP as a result of the comment. Discussion of the comments and responses took place at the Steering Committee meeting held on February 9, 2010. Some of those discussions have resulted in amendments to the response to comments section and in the manner in which revisions to the Preliminary Draft SWMP will be made.

Distribution and Review

Comment D1: *Several commentators thought that the Appendices to the Preliminary Draft SWMP should be provided to the entire the Steering Committee. Other commentators thought this was unnecessary, but that copies could be supplied to those who request them or direct specific questions to CHA.*

- *The Appendices are an integral part of the Preliminary Report and contain information that should be accessible to the Steering Committee. Each member of the Steering Committee should immediately be provided with the Appendices in order to make a proper study of the preliminary report (Kernan).*
- *I feel that it is important that all members of the SWMP Steering Committee receive copies of the appendices, in order to make informed comments. These were omitted from the preliminary draft for Steering Committee review and were not sent to the members unless they requested them (Cummings).*
- *Please send an electronic copy of the appendices to Cashawana Parker at the Albany Common Council so they are available to all council members and to the City Clerk. Also please send her three paper copies (O'Brien).*
- *Any Committee member that wanted the appendices got a copy. The detailed information in these is summarized in the preliminary draft SWMP the Committee members received. The appendices contain valuable back up and technical information, but the Committee should really focus on the draft SWMP, the*

diversion rates, alternative scenarios, policy and program recommendations (Bruce).

- *I'm sure if a few individuals have specific questions that could be answered by material in the appendices, it would be a time and paper savings to have these individuals address those specific question directly to you (Reynolds).*

Response D1: There are presently four appendices to the Preliminary Draft SWMP which contain voluminous detailed supporting information on topics that are fully presented and discussed in the full body of the preliminary draft SWMP. As such, they were not distributed to the Steering Committee as part of the Preliminary Draft. Our intent was to request feedback from the Steering Committee on the substantive issues presented in the Preliminary Draft, particularly if there were any omissions or misrepresentations with respect to issues that were discussed by the Steering Committee.

Members of the Steering Committee who requested an electronic or paper copy of the appendices were provided with them.

It is not anticipated that a change will be made to the Draft SWMP as a result of this comment.

Comment D2: *The timeframe for review of the Preliminary Draft should be extended.*

- *Since the Appendices are very large and the Preliminary Draft was very large, I feel that CHA should extend the comment deadline until March 15th (Cumplings).*
- *Since the requested review is to get "preliminary" feed back prior to full release and not what would be considered a full technical review, your timetable seems appropriate. Not looking for a perfect document at this point, better to get it out to a wider audience for review as soon as possible. From what I've read so far, the information in the body of the SWMP seems adequate to perform the level of review requested (Reynolds).*
- *I feel that it is premature to extend the comment deadline until March 15th. Let's have the meeting in early February and see what the consensus is. I know that although the appendices were missing from the electronic copies, they were available from CHA when asked for (O'Brien).*
- *I am not in favor of an extension of time for submission of Committee member comments. We discussed the process and timetable at the last Committee meeting, and there was agreement on proceeding along these lines (Bruce)*
- *I must also agree with Bill & Ken, the time frame was clearly defined in the last few meetings. We need to keep to the schedule and submit this to the Common Council as stated. It is important for Sally to remember that this is a preliminary draft. After committee members submit their comments a final draft will be*

submitted to the Council where it will then be subject to public comment and SECOR review. This is not the final draft that some people seem to think it is (Zeoli).

Response D2: Only one committee member requested an extension in the timeframe for the review of the Preliminary Draft SWMP. Four other committee members who expressed an opinion on this issue thought that it was unnecessary to extend the timeframe. Because there appears to be no compelling reason to extend the timeframe and because extending the timeframe would delay the formal issuance of a Draft SWMP for review and comment by the general public, the comment period for the Preliminary Draft SWMP has not been extended.

It is not anticipated that a change will be made to the Draft SWMP as a result of this comment.

Comment D3: *A Steering Committee meeting should be scheduled in February to discuss committee member comments.*

- *It is also important to schedule a meeting in February at which Steering Committee members may discuss the draft plan and also get questions answered. How can the committee have a consensus opinion when members do not know the opinions of other members?(Cummings)*
- *I think the request for a meeting to discuss comments is a good idea (Dimino).*
- *I agree with Sally that we should have a meeting in February (preferably early in February) to discuss the draft ... It would also be helpful if you would share members' comments with other members although I am choosing to send this comment directly to all the members. (O'Brien)*
- *We were planning to have a summary of the comments for the final meeting for discussion in late February, so Committee members would know about any changes made to the draft based on comments received. If there are any major issues were there is a significant split of opinion on a draft plan policy or program element, that will be noted in a transmittal letter to the Common Council. We are trying to stick to a reasonable time schedule and get the Draft Plan to the Common Council at which time the formal, and more important, public review, comment and evaluation process will begin (Bruce).*
- *I would be happy to schedule a second February meeting early in February, if Committee members want to hear about the comments that have been submitted, and discuss them. (Bruce)*

Response D3: A Steering Committee Meeting has been scheduled for February 9, 2010 to present and discuss comments from the committee members that have been submitted.

As a result of the discussions that took place at this meeting, changes were made to the Draft SWMP, as noted under individual comment responses listed in this summary.

Comment D4: *The Preliminary Draft SWMP should be distributed to the citizens who have attended the Steering Committee meetings.*

- *While the 12/15/09 email from CHA advises that “this Preliminary Draft is for review by the Steering Committee only,” CHA sent it to select others. At each meeting of the Steering Committee, there were citizens sitting in the gallery who attended many of the meetings, some who were quite knowledgeable on the topic, some who asked very pertinent questions or who provided information to the group. Prior to issuance of a SWMP for formal review, these members of the public should be provided the Preliminary Report in full. (Kernan)*

Response D4: The citizens who have attended SWMP committee meetings will be able to review the Draft SWMP when it is issued for public comment.

During discussions at the Steering Committee meeting on February 9th it was determined that the Preliminary Draft SWMP should be posted on the Committee’s internet site, so that interested parties could view it there.

It is not anticipated that a change will be made to the Draft SWMP as a result of this comment.

Comment D5: *One Committee member (Cummings) requested that all comments from steering committee members on the preliminary draft be included in an appendix to the final draft that is to be forwarded to the Albany Common Council.*

Response D5: Comment noted. Prior to the submission of this comment, the Chairman of the Steering Committee had determined that the committee member comments and the responses presented in this summary will be included as an Appendix in the Draft SWMP to be submitted to the Common Council.

Comment D6: *One Committee member (Larson) informed that our comments on the Preliminary Draft of the Capital District Solid Waste Management Plan are being reviewed by our executive staff. Therefore, they will not be received by you as requested by your date of January 29, 2010, but we will send them as soon as possible.*

Response D6: Comment noted. Any comments that are received can be addressed along with any public comment received during the formal public comment period.

Comments from this member were subsequently received on February 3, 2010 and indicated concurrence with the following components of the Preliminary Draft SWMP.

- 1) Expand the planning unit by implementation of a regional solid waste management authority, and the use of flow control

- 2) Waste Minimization – emphasis on consumer education on waste reduction, promote PAYT (Pay as you throw) implementation, and back yard composting for yard and food waste.
- 3) Promote Product Stewardship – working to reduce the amount and toxicity of packaging and materials that are left for disposal at the end of their useful lives.
- 4) Continue to promote and expand recycling infrastructure. Looking to mandate such items as electronics and HHW.
- 5) Developing a Source Separated Organic Waste (SSOW) facility .

The commentator express concern with the use of waste to energy as part of the regional solid waste treatment facility, and that comment is now noted and addressed as part of Comment A1.

Editorial/Additions

Comment E1: The SWMP Needs an Index of Acronyms (O'Brien)

Response E1: Comment noted. An Index of Acronyms will be prepared for Draft SWMP that will be issued for Public Review.

Comment E2: Sally Cummings does not officially represent Save the Pine Bush.

- *When I was first asked to be on the SWMP Steering Committee I signed in as a citizen and thereafter signed in differently each time, i.e. once as an environmentalist (any gardener is an environmentalist) and also as a resident of Westmere. I believe I did once sign in as STPB but when I asked Lynne Jackson about this she told me not to sign in this way. I asked her if I should write and tell you, she said "not to bother". I did not know that you would put my title as this on the SWMP Preliminary document. Please change my name to "citizen" or Westmere resident, or some such.(Cummings)*

Response E2: Comment noted. Sally Cumming's affiliation will be changed to "citizen " in the Draft SWMP that will be submitted to the Common Council and issued for Public Review. It was also noted at the Steering Committee meeting of February 9, 2010 that Michael Franchini from Albany County was not included in the Committee member listing in Table 1-4. His name will be added to this Table for the final Draft.

Regional Solid Waste Management Authority

Comment R1: Two Committee members disagreed with the recommendation to form a Regional Solid Waste Management Authority.

- *I disagree with the assumption (p20) that a "Regional Solid Waste Management Authority (RSWMA)...is critical to successful implementation of the SWMP."*

There is no need for a “public authority” to gather the resources of the fourteen municipalities in the Planning Unit. This area has had a consortium for several years and the 14 municipalities have recently entered into a more formalized “Inter-municipal Agreement” (IMA) to hire and fund a Planning Unit Recycling Coordinator (p27). This is a formal consortium supported by a written document binding, according to its terms, on the various municipalities. It should not be difficult, with the proper initiative, to expand the IMA to include other aspects of finding a solution to the solid waste problem. And there would be bureaucratic savings. The court cases presented to us do not require a public authority and do not bar the use of a consortium to achieve the goals (Kernan).

- *There are many disadvantages to another public authority. It will take years and expense to get legislative approval; it will be opposed by the citizens/taxpayers. Generally, public authorities have their directors appointed by the municipalities, no matter the lack of experience in matters of solid waste. In appointments, the public is generally ignored or allotted a minimum number; these also are appointed by the politicians. Rates are determined by a group which has no responsibility to its citizens. [We have seen that with the water authority here in Albany, whose minimum charge does not encourage water conservation; in fact the declining rates encourage excessive water use.] To create a new organization means an additional bureaucratic structure with departments in personnel, human resources, finance, budgeting, etc. NYS and this region have too many authorities and the NYS Comptroller periodically issues reports critical of the abuses inherent (Kernan).*
- *While CHA and, apparently, DEC seem to favor an Authority approach I strongly oppose creation of an Authority. Authorities tend to be huge, and governed by people who do not know anything about the technology being undertaken. They are great at administration and making more work for more administrators. Authorities remove the power from local government to control what the taxpayers are paying for and allow one or more municipalities to shift their own debt to that of the authority, thus making every taxpayer in the authority’s region liable for debt they did not create. In addition, authorities can prohibit local municipalities from enacting and implementing solid waste negotiations which are more stringent than those of the authority. Also, Authorities often have, or can be granted, power of eminent domain over local municipalities and private landowners. I feel that the solid waste management plan should be kept small, taking care of Albany and the townships, so there is more control for Albany and less expense for its tax payers. I also feel that the general public are more likely to comply if their waste is being handled by a local consortium than with a gigantic Authority (Cummings).*
- *During Steering Committee meetings Willard Bruce... said that we examined the best institutional structures nationwide that achieve the highest diversion rates. They were all authorities. Where is the data to support this? (Cummings)*

Response R1: While one commentator notes that “There is no need for a “public authority” to gather the resources of the fourteen municipalities in the Planning Unit”,

the service area of the recommended Regional Solid Waste Management Authority (RSWMA) would be considerably larger than the 14 municipalities of the existing Planning Unit. As shown on the detailed analysis of Alternative Implementation Scenario # 3, there are significant economy of scale and other benefits that can be achieved for a larger regional planning unit, when compared to the existing planning unit comprised of 14 municipalities.

Besides the economic benefits, as noted in Section 5.5.2, one of the more significant advantages of the authority structure is the ability to provide reliable solid waste management facilities and programs, including robust waste reduction and recycling efforts, and to ensure adequate staffing and funding for these efforts. A solid waste authority could also be empowered with waste flow control, which could assure the necessary volume of waste to generate revenue for funding of the reduction, reuse and recycling programs that are necessary in a fully integrate solid waste management program. Flow control might not be possible with a consortium of municipalities as suggested by the commentator. It should be noted that under the current Planning Unit structure, less than 30% of the waste stream is controlled by municipal government. In addition, a regional solid waste authority would be a single purpose entity with all revenue generated being dedicated to the implementation of solid waste management programs.

Many of the commentator's observations about the potential disadvantages of the forming a solid waste management authority (SWMA) are pointed out in Section 5.5.2 of the SWMP.

Regarding the commentator's contention that the terms of the existing IMA could be extended to include other mechanisms for finding solution to the solid waste problem, it should be noted that this alternative implementation mechanism was analyzed in the SWMP as a part of Alternative Implementation Scenario #1. (See page 5-28) The terms of the existing IMA allow participating municipalities to terminate their participation upon the 30 days written notice to the other parties to the IMA. Even assuming that this provision could be amended to provide for more definitive long term commitment, the use of the IMA structure would still require that one of the participating municipalities take the lead role in developing the new facilities and programs envisioned by the SWMP. After the City of Albany Landfill reaches capacity, we know of no individual municipality that is willing to assume this obligation for either the existing Planning Unit or a larger regional Planning Unit.

Finally, it is worth noting that, excluding New York City and Long Island (which are dominated by municipally managed solid waste management programs), the most successful publicly owned integrated solid waste management systems in New York State are operated by County-wide or regional solid waste management authorities. These include the Onondaga Resources Recovery Authority (OCRRA), and the Oneida-Herkimer Solid Waste management Authority. Similarly successful authorities (or authority-like organizations) have been identified in other states. For example, during a Steering Committee Meeting in May 2009, Albany Common Council President Shawn

Morris, made a presentation about the Chittenden County Solid Waste District (CSWD) in Vermont, based on a recent visit she made there with Councilmember Cathy Fahey and several environmental advocates from the Capital Region, including Tom Ellis and Tim Truscott. Ms Morris reported very favorably on the waste reduction and recycling programs undertaken by this agency, which is structured similar to a public authority in New York, and is able to subsidize much of its waste reduction and recycling with a tipping fee surcharge on all solid waste for disposal which originates in the District.

Albany County was recently awarded a grant from the New York State Department of State to conduct a detailed study on the feasibility of a regional solid waste management authority, as noted in Section 6.2 of the Preliminary Draft SWMP. It is expected that this study will include an examination of the factors that have resulted in success and/or failure for the regional solid waste authorities. The results of the study will help identify the future actions necessary to advance the formation of a regional SWMA to successfully implement the programs, policies and facilities envisioned by the SWMP.

A change has been made to the discussion of institutional alternatives in Section 5.4 of the Draft SWMP as a result of this comment.

Based upon discussions at the Steering Committee meeting on February 9, 2010, it was reiterated that a stronger case needs to be made about why the authority structure is expected to benefit efforts of reduction and recycling. During that discussion a Committee member also suggested that the Draft SWMP should address the concerns about accountability and management of public authorities in New York that have been raised by some citizen groups and elected officials. These discussions are now included in the revised Section 5.4.2. In response to further discussions at the Steering Committee meeting on February 9, 2010, Section 5.6.5.1, which addresses the effectiveness of a local solid waste management authority, has been now been revised to include a discussion of how Alternative Scenario #2 could be implemented with a continuation of the Planning Unit consortium instead of with an Authority.

Comment R2: *One Committee member asked if solid wastes will be prohibited from coming into the capital region solid waste district from outside the district? This needs to be clarified before the organization is formed. (Cummings)*

Response R2: The recommended formation of a regional solid waste management authority is intended to provide sufficient economy of scale to service an expanded planning unit. However, because the boundaries of that expanded unit have not yet been established it would be premature at this time establish a prohibition on the importation of waste from outside the planning unit.

It is not anticipated that a change will be made to the Draft SWMP as a result of this comment.

Alternative Solid Waste Management Technologies

Comment A1: *One Committee member noted his opinion that it is the duty of the Steering Committee to weigh the merits of each technology, and consider whether each technology would be appropriate in our situation. Several other committee members expressed concern about a specifically endorsing a particular solid waste treatment technology*

- *CHA is due credit for bringing before the Steering Committee presentations by companies from North America and Europe who are involved with alternative technologies such as pyrolysis, gasification, biological/mechanical, anaerobic digestion and WTE. The Steering Committee had the opportunity to question the presenters. But the Steering Committee has not held discussion on the merits of each technology. CHA has shown its decisions in the Preliminary Report and CHA's analyses are contained in that elusive Appendix E. It is not sufficient to deny a technology on the basis that there are no American factories, while a technology has been proven in Europe for more than a decade. It is the duty of the Steering Committee to weigh the merits of each technology, with technical assistance from CHA and other experts, and consider whether each technology would be appropriate in our situation (Kernan).*
- *The concept of "waste to energy" has been, and continues to be, a controversial topic that raises issues of environmental justice as well as health and environmental concerns. OGS is supportive of a plan that includes the investigation of all strategies and technologies to reduce waste. Therefore, instead of stating to "Develop a regional facility utilizing a mixed solid waste treatment technology. Such a facility would recovery additional materials, energy, bio-fuels and other byproducts from the post-recyclable solid waste stream using either the conventional waste-to-energy technologies or one of the emerging technologies, which develops a successful commercial facility somewhere in the United States in the near future", we believe the plan should focus on continuing to investigate and evaluate emerging technologies, including "waste to energy" initiatives. It is our understanding that there have been a number of advances in "waste to energy" technology to reduce toxins in the air and in the residue. However, none of the groups that made presentations to the Committee on "waste to energy" proposals adequately addressed the issues of environmental and health concerns or provided statistics to back their claims. Therefore, there is not enough information at this point in time for OGS to endorse the recommendation to develop a regional solid waste treatment facility to further minimize landfill disposal requirements. (Larson)*

Response A1: Presentations and discussions about the merits of various alternative solid waste management technologies were held at almost every steering committee meetings fro February through October of 2009. Over the course of the year committee members were also invited to participate in visits to solid waste management facility sites around New York State which including one or more of the alternative technologies. Summaries of the visits were prepared and were discussed at the meetings of the Steering Committee,

for the benefit of those who were unable to participate in the visits. These discussions included the merits of the technologies observed at the respective sites.

As part of the evaluation of alternative technologies conducted as part of the SWMP, a request for information (RFI) was prepared and distributed to solicit preliminary statement of interest and background information from parties wishing to participate in the process. The Steering Committee participated in the formulation of the RFI. Fifteen companies provided submittals in response to the RFI. The Steering Committee participated in the review of documents, prepared by CHA, which summarized these submittals in response to the RFI. At the request of the Steering Committee, CHA invited company representatives from respondents from the following technologies to make presentations to the Steering Committee:

- Norterra Organics – SSOW Composting technology – June 23, 2009
- EcoDeco – Mechanical and Biological Treatment – July 21, 2009
- Covanta – Waste-to-Energy – July 21, 2009
- Nature's Fuel – Pyrolytic Gasification – August 18, 2009

In addition, a presentation was made by EnerKem (not an RFI respondent, but a company with a technology to turn waste biomass into ethanol) at the September 22, 2009 meeting. Information from these presentations, along with all meeting minutes, agenda and presentations has been posted on the SWMP website.

Among other measures, the preliminary Draft SWMP includes the development of a SSOW Composting facility. It also calls for the development of regional solid waste treatment facility to further minimize landfill disposal requirements for post-recyclable solid waste. As noted in Section 6.1.2 of the Preliminary Draft WMP, such a facility would use either conventional waste-to-energy technology or one of the emerging technologies which develops a successful commercial facility somewhere in the United States. It may be in this context that the commentator notes. *"It is not sufficient to deny a technology on the basis that there are no American factories, while a technology has been proven in Europe for more than a decade."* In response to this comment, it should be noted that the recommended requirement for a successful commercial facility in the U.S. is based upon an anticipated desire of the implementing communities to minimize financial and performance risk associated with the development of a waste treatment facility. It is further noted that regional SWMA (or other implementing agency) which ultimately pursues the development of this regional solid waste treatment facility will be free to develop appropriate financial and performance criteria at that time.

At the Steering Committee meeting on February 9th 2010, several members asked about the definition of waste to energy (WTE) and whether it should be clarified to include other technologies beside conventional mass burn incineration. This is now clarified in Section 5.3.1.8 where the conventional WTE facility is more clearly defined.

Several committee members also thought the Preliminary Draft SWMP needed to better articulate that the recommendation to pursue the development of a regional solid waste treatment facility was not an endorsement of conventional mass burn WTE technology.

As a result of these comments, the language of Section 6.1.2 of the Draft SWMP has been changed to clarify that the SWMP does not endorse conventional WTE over any of the other emerging technologies.

During discussions at the Steering Committee meeting on February 9, 2010, it was requested that a distinction be drawn between emerging technologies that have been well established in other countries (Mechanical/Biological Processing in Europe was cited as an example) and those emerging technologies that are not well established. As a result of this discussion, the Section 5.3.2 on emerging technologies and (some of the text of Appendix E) has been now supplemented to make this distinction.

At the February 9th meeting, another Steering Committee member asked if a table could be prepared to compare the various “solid waste treatment” technologies with landfilling based on a number of environmental and health criteria. This table is now presented as a new Table 5-4, as part of the expanded discussion and comparison of emerging solid waste management technologies that is now presented in Section 5.3.

Comment A2: *One Committee member (Cummings) strongly opposes construction of a trash incinerator. She notes that existing waste-to-energy facilities are a magnet for items best reduced, reused or, recycled, ruining incentives to maximize reduction, reuse, and recycling. The incentive for the 3 R's would be drastically cut because amounts for such a facility must be guaranteed or paid for anyway.*

Response A2: The Preliminary Draft SWMP calls for the development of a regional solid waste treatment facility to further minimize landfill disposal requirements for post recyclable solid waste beyond what would be achievable with the implementation of the waste reduction and recycling programs elements. Such a facility could use either the conventional waste-to-energy technology (of which there are currently ten operating in the State of New York) or one of the emerging technologies to recover energy, biofuels, or other recyclable materials.

The development of such a facility would not be a disincentive to reduction, reuse and recycling efforts because the facility would be sized to process only the materials that will remain after maximizing the 3Rs. In fact, it is the planning units that operate as public authorities that generally have the highest waste reduction and recycling achievement as well as their solid waste treatment facilities. This is already noted in Section 6.1.2, so no revisions to the Preliminary Draft SWMP will be made as a result of this comment.

Alternative Scenario

Comment Alt1: *One committee member (Kernan) proposed a Scenario #4 for the Steering Committee's consideration, which may include the following:*

- *regional formal consortium;*
- *strict enforcement of existing recycling laws, with penalties;*
- *innovative approaches to recycling as shown in other regions;*
- *PAYT if a small first bag weekly is provided free by the municipality;*
- *product stewardship;*
- *consider a SSOW facility since food waste is 19% of MSW (didn't the City of Albany collect food waste from residents as part of regular trash pickup in the 1960-70s);*
- *further evaluation of emerging technologies, as opposed to a WTE plant.*

Response Alt1: All of the elements of this alternative are also included as elements of the Preliminary Draft SWMP, with two important variations.

A Regional Solid Waste Management Authority (RSWMA) is included as the preferred implementation mechanism in the Preliminary Draft SWMP because it is a more effective administrative structure than a regional consortium established by inter-municipal agreement (IMA). For reasons noted previously in response to comment R1, the regional consortium would not be as effective, these reasons include that a municipality would be required to take the lead role in developing new facilities and programs in the proposed SWMP, and after the City of Albany Landfill reaches capacity, we know of no individual municipality that is willing to assume this obligation for either the existing Planning Unit or a larger regional planning unit. Without the benefit of a guaranteed waste stream from the entire Planning Unit, which would be easier to obtain via flow control under an Authority, it is doubtful that an individual municipality would be able to finance all the required components of a complete solid waste management system.

The Preliminary Draft SWMP also includes provisions for the implementation of a SSOW facility, not just consideration of a facility, as noted in the commentator's alternative. The Preliminary Draft SWMP also calls for the development of a regional solid waste treatment facility to further minimize the landfill disposal requirements for waste that cannot be reduced, reused or recycled, and will include the future evaluation of emerging technologies as well as conventional waste-to-energy (WTE) technology. The Preliminary Draft SWMP does not endorse WTE or any of the emerging technologies which could potentially meet the objective of minimizing future landfill disposal requirements.

Incorporating this fourth Alternative Implementation Scenario into the detailed analysis of alternatives presented in Section 5 appears to overlap existing scenarios and would significantly delay the issuance of the Draft SWMP to the Common Council and for public comment.

A change has been made to section 6 the Draft SWMP to make it more clear that the SWMP does not endorse WTE or any of the emerging technologies which could potentially meet the objective of minimizing future landfill disposal requirements, and that a formal selection of a waste treatment technology would be made at a later date by the regional SWMA (or other implementing agency).

Single Stream Recycling

Comment SS1: *One committee member (Cummings) noted that single stream should be abandoned by the steering committee because it is a less effective method than dual stream and it creates more waste than does the dual stream method. A recent study by the Container Recycling Institute was forwarded in support of this position. The committee should recommend the practice of source separated dual stream collection methods be adopted regionally.*

Response SS1: Consideration of Single Stream Recycling (along with other methods of material re-use waste reduction and recycling) is one element of the Goals and Objectives of the SWMP.

The advantages and disadvantages of dual stream and single stream recycling were presented at a Steering Committee meeting and a discussion of these is included in Section 5.3.1.3 and Section 5.3.1.4 of the Preliminary Draft SWMP, respectively. The discussion includes the disadvantages mentioned in the study cited by the commentator including:

- processing costs may increase compared to multiple stream systems
- possible reduced commodity prices due to contamination of paper;
- increased “downcycling” of paper, i.e., use of high quality fibers for low-end uses like boxboard due to presence of contaminants;
- possible increase in residual rates after processing (due chiefly to increased breakage of glass)

Among the advantages of Single Stream recycling noted in Section 5.3.1.4 are the following:

- more resident participation;
- increased efficiency and reduced cost of recyclable collection;
- worker injuries may decrease because the switch to single stream is often accompanied by a switch from bins to cart-based collection.

While the development of a single stream recycling facility is not an explicit element of the SWMP, as set forth in Section 6, it is an implicit component. All of the Alternative Implementation Scenarios presented in Section 5 include the maximization of currently designated recyclables. In Section 5.6.1, describing Alternative Scenario #1, it is noted that “maximizing the recovery of currently designated recyclables will also include the implementation of single stream recyclables collection along with a local MRF which can accommodate and process the single stream recyclables. This alternative scenario assumes that the single stream MRF would be developed by the private sector as a commercial venture.” While a single stream MRF would be available under the SWMP, communities would be free to continue their use dual stream recycling if they believe that method is maximizing material recovery and recycling.

It is also worth noting that since the distribution of the Preliminary Draft SWMP, County Waste has announced its intention to develop a single stream MRF at its existing dual stream MRF on South Pearl Street in Albany (Sierra Fibers) and also intends to provide single stream recyclables collection to all of its residential customers in the Capital District.

A change has been made to the Draft SWMP as a result of this comment. Language will be added to Section 5.3.1.4 to include the recently announced Single stream facility and programs being implemented by County Waste. Section 5.7.1 has also been amended to clarify that communities would be free to continue their use dual stream recycling if they believe that method is maximizing material recovery and recycling.

Zero Waste

Comment Z1: *One Committee member (Cummings) noted that the Capital District Solid Waste Management Plan should begin with a statement that the goal of the new plan is zero waste. Zero waste is defined as "If it can't be reduced, reused, repaired, rebuilt, refurbished, refinished, resold, recycled, or composted, then it should be restricted, redesigned, or removed from production. The goal is to combine aggressive resource recovery and industrial redesign to eliminate the very concept of waste. Eventually, the community's resource-use system will emulate natural cyclical processes, where no waste exists. [This definition is from the Berkeley City Council's resolution]"*

Response Z1: The concept of a zero waste, as defined by the commentator, is not an appropriate goal for this SWMP because many of the restrictions and limitations on commercial products could not be realistically achieved on a local or regional level; they will require state or national policies to implement them. However, key components of zero waste include reduction, reuse, recycling and composting, and the preliminary Draft SWMP already include these components to meet the goal of minimizing the amount of waste requiring land disposal in the future by :

- Maintaining and expanding waste reduction, reuse and recycling efforts, as set forth in the SWMP Modification;
- Increasing the effectiveness of public education and enforcement of existing recycling requirements;
- Considering more emphasis on material re-use and alternatives such as PAYT, single stream recycling, and foodwaste composting as mechanisms to achieve future reductions in waste requiring disposal;
- Considering alternatives which recover energy from waste, including proven technologies as well as new and emerging technologies.

These goals and objectives are not significantly different from the zero waste goals noted in the comment, and are consistent with current New York State DEC solid waste management policy as well as the policies that are expected to be espoused in the NYSDEC's forthcoming Beyond Waste Plan.

Based on discussion of this comment at the Steering Committee meeting on February 9, 2010, Section 6.0 and Section 6.1.1. have been revised to incorporate a discussion of the concept of zero waste as an aspirational goal, and the continuous improvement in waste reduction and recycling (beyond the 65% achievement already noted for the year 2020).

Sean Ward and Dick Forgea both noted concern that these waste reduction and recycling goals should not be construed as enforceable permit conditions. Because there is already language in the approved SWMP Mod which addresses this concern, it is clear that NYSDEC does not intend to use these goals as enforceable permit conditions, it is not necessary to include that limiting language in the new SWMP at this time.

Contingency Plan

Comment C1: *One Committee member (Griffin) had a comment that relates to the reliance on the formation of an authority for the plan to come to fruition. Time passes rapidly and the need for a long-term solution for the region's future solid waste issues will reach a critical point soon. Should the formation of a regional authority be delayed or the authority not be conceived then the Capital Region could be without sufficient local disposal capacity for a longer period of time than anticipated. I believe that the Plan, when finalized, should contain parallel time lines for development of permanent as well as temporary means for handling the area's waste post-Rapp Rd. The Plan should also contain a contingency for a solid waste management structure along the lines of the scenarios described in prior meetings, i.e. maintaining the current consortium, a smaller consortium or the City of Albany alone. The way the current Draft Plan is structured the failure of one point, the formation of the Authority, means the Plan itself will fail.*

Response C1:

Section 6.1.4 of the Preliminary Draft Plan discusses interim measures that will be undertaken to implement certain provisions of the SWMP until the Regional Solid Waste Management Authority (RSWMA) that is recommended is developed. Section 6.1.4 also recognizes that local landfill capacity may be depleted before a regional solid waste treatment facility can be developed by the RSWMA, and that it may be necessary to be temporarily more reliant on commercial landfill capacity located a long distance from the planning unit. As such, the Preliminary Draft SWMP acknowledges that the City of Albany would develop a transfer station in the future, if one is needed, at the Rapp Road Landfill site.

The Implementation Schedule shown in Section 6.3 of the Preliminary Draft SWMP, notes that if enabling legislation for the RSWMA is not enacted by the end of calendar year 2011 due to lack of regional consensus, then a modification to the SWMP will need to be developed to account for that change in circumstances. The details of those modifications, if they are required, as well as alternative contingency measures, will be evaluated at that time in the future.

Reduction Reuse and Recycling

Comment RRR1: *One Committee member (Cummings) commented that during the steering committee meetings, Bill Bruce and CHA representatives often said that the new plan will have strict enforcement and a good education component to stimulate high compliance rates. Few details are provided in the preliminary draft about how these transformations will be implemented.*

Although a schedule for reducing the amount requiring disposal at a facility (which has yet to be determined), there was no indication as to how this reduction is to be accomplished. Without knowing how it is going to be done, how can you make a schedule? No ideas were put forth.

Response RRR1: Section 6.1.1 of the Preliminary Draft SWMP discussed the program elements related to reduction and recovery of materials. Increased enforcement and education is specifically discussed in Section 6.1.1.3, which includes a re-statement of many of the provisions set forth in the May 2009 SWMP Modification, which will be carried forward as part of the new SWMP.

Steering Committee

Two Committee members made comments about the make-up of the Steering Committee and how the meetings were conducted. These comments are not substantive regarding the content of the Preliminary Draft SWMP, and as a result, responses are not provided.

In the interest of full disclosure, however, the comments are enumerated here.

- *At the first meeting of the Steering Committee on November 24, 2008, 18 members were announced. In the Preliminary Report there are 23 members listed (p32). I do not recall any meeting in which new members were announced. I attended most of the meetings (Kernan).*
- *Attendance by actual Steering Committee members diminished as the year progressed.(Kernan)*
- *There was very little participation from most of the other municipalities in the consortium(Cummings)*
- *At the first few monthly meetings, CHA prepared only enough copies of documents for members of Steering Committee and others who sat at the table in the front of the room. At the April 23, 2009 Meeting there was a motion to provide enough copies so that the public, who sat in seats to the rear of the room and who were there although not being paid by their employers, would have sufficient*

copies in order to follow complex discussions. [Only three Steering Committee members are not employed by municipalities, the industry or consultants.] This was the only formal motion in the year of the Steering Committee and it passed unanimously, 14-0. It included a provision that the Steering Committee (not CHA) would decide what material would be distributed. This formal motion was not included in the Minutes following the meeting. At the May meeting, again there was discussion and the Minutes were corrected. However there were many meetings in which a sufficient number of copies was not provided to the public.(Kernan)

- *This problem of incomplete Minutes occurred again when a discussion on the creation of a “consortium” instead of a public authority was not transcribed. Until the October Meeting, a “consortium” was not discussed in detail. CHA promised to have the attorneys research the issue. Now, in the Preliminary Report, there are several references to an “informal consortium” or a “loose consortium” already existing. It may be appropriate to make it a “formal written consortium”, using the IMA as a basis.*
- *Mike Kernan’s vigorous comments of October 20th, 2009 in opposition to an authority, and in favor of a consortium, were not included in the minutes of that meeting distributed at the next meeting, on December 8.. There was considerable discussion at that October meeting about the need for and desirability of an authority. This was an important discussion and why was this not included in the minutes?(Cummnings)*
- *The 12/15/09 email also states that the Preliminary Report “has been compiled based on the many months of input and guidance that you have provided as part of the committee.” Let’s be frank: CHA prepared the Preliminary Report, as much as CHA led and controlled the discussion throughout the year. The Steering Committee should discuss the Preliminary Report among its members, having access to the viewpoints of other members of the Steering Committee. (Kernan)*
- *The stipulation in the December 15th 2009 letter from Ken Gallagher that accompanied the preliminary draft plan, and asserted that the report represented the “consensus view of the committee regarding the future of solid waste management”, is not correct. Mike Kernan and I dispute that there is a consensus. There was never a steering committee vote as to who favored an authority. To me, this is a very important concern. (Cummings)*
- *Willard Bruce said that the Steering Committee is creating the plan but it appeared that CHA is creating the plan. The preliminary draft closely resembles the modification of an earlier plan that DEC approved in September, 2008, before the Steering Committee was created. (Cummings)*
- *Clough Harbor never brought in experts on how to maximize reduction, reuse, or recycling. Why? There are so many examples today of municipalities that are striving towards zero waste or high recycling rates. (Cummings)*

- *During meetings, committee members witnessed presentations from industry representatives about their various technologies, but no opposing expert opinions were sought out on any of these controversial technologies. Though Albany is home to several state wide and national environmental organizations, no expert opinion from any of these organizations was sought (Cummings)*
- *One committee member asked for clarification on why we were shown different “emerging technologies” when we have not been charged with choosing the kind of technology. What was the point? In fact, what was the point of the whole Steering Committee when it appears that the steering committee was “steered” from the start. Will we really have any input into what choices will be made? (Cummings)*