

1 8/8/2023 - S.A. Dunn & Company, LLC - ID 4-3899-00006

2 STATE OF NEW YORK

3 DEPARTMENT OF ENVIRONMENTAL CONSERVATION

4 D.E.C. Application I.D. No.: 4-3899-00006 - In the
5 Matter of S.A. Dunn & Company, L.L.C. for a Title
6 27 Mined Land Reclamation and Part 360 Solid Waste
7 Management Facility in Multiple Towns in
8 Rensselaer County.

9 PUBLIC COMMENT HEARING

10 DATE: August 8, 2023 at 6:05 p.m.

11 LOCATION: Rensselaer City

12 K-12 School Auditorium

13 25 Van Rensselaer Drive

14 Rensselaer, New York 12144

15 BEFORE: MOLLY MCBRIDE, Hearing Officer

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20 Reported by Danielle Christian

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2 (The hearing commenced at 6:05 p.m.)

3 A.L.J. MCBRIDE: Everyone can take
4 their seats; we're going to get started. You're good
5 to go?

6 THE REPORTER: Yes, we're okay.

7 A.L.J. MCBRIDE: Good evening,
8 everyone. Thank you for joining us here this
9 evening. My name is Molly McBride and I'm an
10 Administrative Law Judge at the New York State
11 Department of Environmental Conservation. I work in
12 the D.E.C.'s Office of Hearings and Mediation
13 Services.

14 And just for information purposes, my
15 office is separate within the D.E.C. We're separate
16 from Counsel's office, we're separate from all of the
17 Regional offices, and we are also separate from all
18 the Program offices including the division of
19 permits.

20 I will be presiding over today's
21 public comment hearing regarding the applications of
22 S.A. Dunn and Company L.L.C. A notice of complete
23 application, notice of legislative public comment
24 hearing, and of a forty-five-day comment period was
25 published in the department's environmental notice

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2 bulletin on July 12th, 2023. This notice was also
3 published in the Times Union on July 17th, 2023.

4 The purpose of this hearing is to
5 provide an opportunity for the public to comment on
6 the applications. Tonight is not a question and
7 answer session but an opportunity for the public to
8 let the department know their comments regarding this
9 matter.

10 The department will be accepting
11 written and oral comments and written comments may be
12 submitted until August 28th, 2023. The address for
13 the submission of comments by mail and email is
14 available at our sign-in table in the hallway.

15 It's important to note that the
16 department gives equal weight to written and oral
17 comments. If you make a comment on the record here
18 this evening, you may also submit additional comments
19 in writing up until August 28th.

20 Anyone who wishes to make a comment
21 this evening must fill out a speaker card. If you
22 have not yet filled out a card and you'd like to make
23 a comment, please go back to our sign-in table, and
24 fill out a card for us.

25 Speakers will be called in the order

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2 that they registered here this evening after we have
3 called all the elected officials. Because of the
4 number of people who wish to speak here this evening,
5 we are going to limit all comments to three minutes.

6 As you can see, there's a timer behind
7 me that will help you keep track of the time of your
8 comments. If you haven't completed your comments in
9 three minutes, then, I'll gently remind you to wrap
10 up your comments for us, please.

11 And again, I'll remind you that longer
12 comments can be submitted in writing up until August
13 28th. I'll call your name when it's your turn to
14 speak. If I mispronounce your name, I apologize now,
15 please correct me when you come to the podium.

16 Please come up to the podium on my
17 right, identify yourself with your name and if you're
18 representing a group, please identify who it is that
19 you're representing here this evening. Again, I'll
20 remind you this is not a question-and-answer session.

21 If you are reading from prepared
22 remarks, it would be helpful for the court reporter
23 if you gave us those after you've read your comments.
24 When you do make your statement, please speak loudly,
25 slowly, and clearly. We have a court reporter who is

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2 recording all comments here this evening.

3 I ask that everyone please remain
4 silent when a speaker is talking and that you please
5 give all speakers the same courtesy and respect that
6 you would want for yourself when you're speaking.

7 Again, if you do not wish to make an
8 oral comment here this evening, you may submit them
9 in writing until August 28th. Before we begin with
10 the public comments, I'd like to introduce Kate
11 Kornak, the D.E.C. Region Four Regional Permit
12 Administrator.

13 MS. KORNAK: Thank you, Judge McBride.
14 Good evening, as she just said, I'm Kate Kornak, I'm
15 the Regional Permit Administrator for the D.E.C.
16 Region Four Office, and thank you for coming tonight.
17 As many of you know last year, S.A. Dunn and Company
18 submitted D.E -- to D.E.C. applications to renew and
19 modify a solid waste and mine land reclamation
20 permits.

21 The requested modification relates to
22 their proposal to construct a new mechanically
23 stabilized earthen berm along the north and
24 northeastern perimeter of the Dunn facility. There
25 is a handout that was available at the sign-in table

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2 in the front. I'm sure there are still up there if
3 you'd like one, but it shows the location of the
4 proposed berm in relation to the facility perimeter.

5 Construction of the proposed berm
6 requires -- requires a modification to both the solid
7 waste and the mine land reclamation permits. S.A.
8 Dunn is not currently proposing any other changes at
9 the facility. The neighborhoods near the facility to
10 the south of Partition Street in the City of
11 Rensselaer have been identified as environmental
12 justice communities under D.E.C.'s policies.

13 Additionally, several neighborhoods
14 surrounding the facility have been identified as
15 disadvantaged communities by the Climate Action
16 Council for purposes of the requirements of New York
17 State's Climate Leadership and Community Protection
18 Act.

19 So as D.E.C. continues to conduct a
20 thorough review of the facility's applications to
21 ensure the protection of public health and the
22 environment, it's important that we hear comments
23 directly from the community before any final permit
24 determinations are made.

25 I'd like to thank you for coming

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2 tonight and for your involvement in the permitting
3 process. This is a forum for you to share your
4 thoughts and to raise any concerns or statements that
5 you might have about these permit applications that
6 are currently before the department.

7 As A.L.J. McBride had mentioned, this
8 meeting is being recorded by transcriptionists, so
9 D.E.C. will respond to your comments in writing after
10 the comment period ends on August 28th. If you have
11 questions or comments for D.E.C. and you don't wish
12 to speak tonight, you can send them to the department
13 by email or send a letter in the mail to me, Kate
14 Kornak, Permit Administrator.

15 The address and the email address are
16 on the information handout at the sign-in table at
17 the entrance to the building. We'll make sure those
18 remain available to you after the hearing ends.
19 Thanks in advance for your cop -- cooperation and I
20 look forward to hearing from you tonight.

21 A.L.J. MCBRIDE: Thank you. Before we
22 begin, I'd ask everyone to please make sure that your
23 cell phones are silenced even if you think you've
24 turned everything off, if you wouldn't mind just
25 checking for me, we seem to have some that go off at

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2 the hearings, it's very helpful if you could just
3 double check that for me.

4 Also, on the -- on the podium there I
5 have a box of microphone covers if anyone would like,
6 feel free to take a microphone cover out of the box
7 and put it over the microphone when you make your
8 comments if you're more comfortable with that. Okay.
9 We'll call our first speaker, Assemblyman John
10 McDonald.

11 MR. MCDONALD: Thank you and good
12 evening. First of all, my official comments have
13 already been submitted electronically to the
14 department, but I wanted to add two points and then
15 highlight three points from my testimony today.

16 Two points, number one, it was just
17 over a year ago, we were in this facility where a
18 rather, from my perspective, loosely run meeting by
19 Dunn and their associates was handled.

20 I've been around a lot of hearings in
21 my lifetime, a lot of meetings. Usually, there's a
22 sign-in sheet, name, address, phone number, email for
23 follow-up, that was not the case. Now, in
24 conversations with the administrator for the region,
25 I realized I may have answered the majority of

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2 questions, but the public walked away not feeling
3 confident.

4 Number two, tonight's hearing, I am
5 impressed by the people who are here today. As we
6 know the last week of July, 1st week of August are
7 usually prime vacation times. And once again, I know
8 D.E.C. has a process to follow but I do have to put
9 this on Dunn that, quite frankly, when we're trying
10 to build faith and confidence in the process to have
11 the application deemed complete.

12 After a couple of years of work at
13 this juncture, I think is unfair. That being said,
14 three points from my letter I want to expand upon.
15 Number one, as you know the odors have improved but
16 have not been totally eliminated. The reality though
17 is for those individuals, particularly Rensselaer and
18 East Greenbush, those memories of those smells are
19 with them forever.

20 And quite frankly the confidence in
21 Dunn and to be fair D.E.C. in the future if something
22 goes awry is a question that needs to be answered in
23 this process. Number two, in the City of Rensselaer,
24 the new bridge was opened about ten, twelve years ago
25 owned by the city. That bridge is already starting

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2 to show signs of weakness, it's listed as a fair
3 condition and that's due to the large volume of
4 trucks that ramble across that bridge on a daily
5 basis when the landfill is open.

6 I believe this needs to be part of
7 this conversation in regards to the impact to the
8 residents of the city but just as well to the people
9 and individuals crossing underneath that bridge on
10 the CSX and Amtrak, rail tracks. My final comments
11 are this; I've heard an awful lot over the last
12 twelve years, eleven years representing the city.
13 There is a feeling that the secret process was short-
14 circuited to begin with. There have been a lot of
15 issues that have been brought up that deserve a
16 greater review, C.L.C.P.A., and environmental justice
17 zones were only a thought ten, twelve years ago.

18 We need to make sure a full
19 environmental review is considered and put in place
20 before any conversation of a permit renewal is
21 considered, thank you.

22 A.L.J. MCBRIDE: Thank you. Our next
23 speaker is Ernest Dambrose.

24 MR. DAMBROSE: Well, hello, I'm Ernest
25 Dambrose. I'm the alderman for the second ward in

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2 the City of Rensselaer. First, I'd like to speak
3 about the truck route for the Dunn landfill. The
4 trucks enter the City of Rensselaer off the Dunn
5 Memorial Bridge by making a left-hand turn off the
6 ramp onto a narrow section of roadway near Dunkin
7 Donuts.

8 Numerous times cars need to backup and
9 or the trucks drive over the curb to make this turn.
10 The trucks then head north over the Broadway Viaduct
11 also known as Veterans Crossing. This viaduct was
12 last inspected in September of 2021.

13 This inspection found that the roller
14 joints were in poor condition and the abutments in
15 fair condition. Once over the viaduct, the trucks
16 take a right-hand turn onto Partition Street.
17 Partition Street is this steep incline until it
18 reaches Third Street.

19 Then, after Third Street, it changes
20 to a steep decline until Sixth Street, one past six -
21 - once past Sixth Street, it changes again to a steep
22 line -- incline to the landfill.

23 Large diesel trucks pulling heavy
24 loads emit lot -- emit a large amount of exhaust
25 going uphill and have tremendous stress on their air

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2 brakes descending steep hills. The dust exhaust from
3 these trucks are unbearable to the residents of --
4 along Partition Street as well as the side streets
5 near Partition Street.

6 The odors coming from the landfill
7 settles in the hollow area at the bottom of Partition
8 Street, especially in the mornings and early
9 evenings. A question was asked this afternoon
10 whether you would like to live near the landfill.

11 Well, the Dunn family used to reside
12 in four homes near the landfill, one owned by the
13 parents, two by their sons, and one by their
14 daughter. The daughter and one of their sons have
15 since moved out of the area.

16 The parents and the eldest son spent
17 the entire summer at their camps in the Adirondacks;
18 that should explain something about their willingness
19 to live next to the landfill during the summer.
20 There are contaminants entering the Quackenderry
21 Creek.

22 The Quackenderry Creek runs through
23 the backyards of the houses on Sixth Street and
24 Willow Street. Many residents used to use the water
25 from this creek to water their vegetable gardens.

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2 The creek also runs behind the Rensselaer little
3 league field.

4 Many summer days while games are being
5 played, siblings of the players are seen playing in
6 the creek. It is very worry -- worrisome to think
7 that this will affect their children's health.

8 My dog used to -- like to play and
9 drink the water from the parking area creek and died
10 at a young age from kidney failure. This could be
11 from drinking the water but I'm not sure, thank you.

12 A.L.J. MCBRIDE: Thank you. Mayor
13 Mike Stammell.

14 MR. STAMMELL: Before I begin, I'd
15 like to take just a quick opportunity just to state
16 that I was here earlier and presented to the -- the
17 D.E.C. administrators here a resolution that was
18 passed by the Common Council stating that they did
19 not want the Dunn dump here in the City of Rensselaer
20 and it was a unanimous decision.

21 And I provided that resolution to the
22 -- to the front table here and a copy will be mailed
23 to D.E.C., so thank you for that. I also want to
24 take the opportunity to thank the school
25 administration for allowing us to use their facility

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2 for -- for -- for this -- today's -- this evening's
3 and this afternoon speaking engagement as well as all
4 the residents who are concerned and come out here
5 today, and those elected officials as well, so thank
6 you very much.

7 Now, let me start my part of it. And
8 I may be over to three minutes already. All right.
9 I'm Michael Stammell, Mayor of the City of
10 Rensselaer. The city appreciates the opportunity to
11 speak to the public hearing on the permit application
12 for the Dunn landfill and mine.

13 The city residents and the school
14 children have suffered severely from the impacts,
15 from the Dunn landfill and mine including the dust,
16 fermentation, that -- in the neighborhood as truck
17 exhaust fumes, noise, truck traffic, damage to city
18 streets, and visual impacts.

19 We will address these impacts in
20 length in writing -- in writing at a later date. At
21 the outset, a major problem existed with the limited
22 scope of the Department of Environmental Conservation
23 review of the Dunn's application.

24 Dunn and D.E.C. had characterized the
25 proposed action here to be only a renewal of existing

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2 permits with the modification for the construction of
3 the berm which I believe has served -- will serve no
4 purpose whatsoever.

5 We urge D.E.C. to examine these
6 applications more broadly. And if the examination
7 confirms the adverse impacts of the landfill to deny
8 Dunn's renewal application. Indeed, the city Common
9 Council last week, like I said, unanimously approved
10 a resolution to that effect. I submitted that
11 resolution earlier at the two p.m. hearing as part of
12 the record.

13 Many of the assumptions made by D.E.C.
14 when the C.E.D. did -- landfill waste dump was
15 permitted at the site in 2012 have been found to be
16 demonstrably incorrect and actually in actual
17 practice. For instance, to demand trucks hauling the
18 C&D material to the site being more severe problem
19 than sworn.

20 Buying trucks proposed. Indeed, they
21 cannot safely negotiate the streets or and
22 intersections. Yet the impact of the new trucks was
23 never reevaluated. Similar concerns exist with
24 respect to other impacts, as well as the new
25 statutory regulatory requirements that are create --

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2 that are -- that are now applicable.

3 We urge D.E.C. to take an expansive
4 view from the considering application and do not
5 limit their review to a narrow issue such as a berm,
6 change of circumstances, as well as further
7 understanding of impacts and waste disposal require a
8 broader view. To do otherwise is permit to the
9 premature and intolerable conditions.

10 The City of Rensselaer is labeled as a
11 distressed city and the ongoing operation of the Dunn
12 landfill, in my mind, only prolongs the ability for
13 our city to prosper. Based on the many negative
14 attributes the operation has scarred our city with up
15 to this point, with continued operation will only
16 worsen to day -- day to day quality of life and the
17 health for our residents.

18 I, as the new City Mayor want to renew
19 the positive impacts in image of the city and public
20 pride in our residents for the city they call home.
21 The Dunn landfill in my mind is a deterrent from that
22 ever happening.

23 I strongly urge it the play -- and I
24 strongly urge you to play this way, I know how is to
25 for the D.E.C. to deny Dunn landfill and mine renewal

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2 app -- in the mining renewal application, order cease
3 and desist of the dump and its reclamation of the
4 property as soon as possible, thank you.

5 A.L.J. MCBRIDE: Thank you. Michael
6 Cristo, thank you, Mayor, Thank you. Thanks for
7 coming out again.

8 MR. CRISTO: My name is Michael
9 Cristo, Junior. I represent a 29-acre parcel that's
10 on the south side of Partition Street across from the
11 Dunn landfill and the Cristo family has owned
12 property across from the Dunn's for probably eight
13 years or better.

14 Before my comments, I would like you
15 to know that I am not categorically opposed to
16 landfills or the demolition contractor who holds a
17 license with the New York State Department of Labor
18 Asbestos Control Bureau.

19 So I'm a licensed asbestos contractor
20 and demolition, I use landfills every day. I'm not
21 opposed to landfills, I am opposed to this landfill.
22 I do not use a landfill that is located where trucks
23 have to traffic through a residential neighborhood to
24 get there where there is one access in and one access
25 out.

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2 My main point for this evening because
3 I was unaware of the time limit is this. There's a
4 nuance in landfill and disposal law in New York State
5 and I am confident in saying that there is not a
6 landfill in New York State that does not accept
7 asbestos debris.

8 Because under Department of Labor Code
9 Rule 56, there is an exemption for homeowners who
10 live in the house. A lot of people are unaware;
11 homeowners do not have to conform to any regulations
12 by D.O.L. for asbestos abatement.

13 They can hire a roll-off container put
14 it in their yard. Remove the debris from their house
15 up to five hundred pounds a year. It goes in the
16 roll-off container. While Dunns does not accept
17 thirty-yard roll-off containers, transfer stations
18 do.

19 So the transfer stations take the
20 thirty-yard debris that you bring from your home,
21 where you put asbestos in it. It goes into hundred-
22 yard walking floor and goes to the nearest C&D
23 facility, which oftentimes in the capital region is
24 Dunn's.

25 Having asbestos waste potential near a

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2 high school, near a kindergarten is reprehensible. I
3 cannot guarantee that it happens, but I think the --
4 the possibility that it would, should be enough to
5 limit any action near the school.

6 Beyond that, I was on the town board
7 in East Greenbush in 2006 to 2008, when then Mayor
8 Dwyer, and Mike Dunn came to us to annex the property
9 into the City of Rensselaer. We made it clear to
10 them both that the town of East Greenbush had
11 outlawed landfills and that it was not our goal to
12 have a landfill in Rensselaer.

13 They assured us that that was not
14 their goal that they were not going to do that what
15 they wanted was to get the sales tax revenue from the
16 mine into Rensselaer which we considered as a
17 neighboring town, a reasonable situation since
18 Rensselaer had all of the -- the negatives for the
19 mine operation and East Greenbush got the benefits.

20 So the annexation went through. We as
21 a town board, we were then lied to about the -- the -
22 - their intent or there was actions that were not
23 necessarily upstanding in which they sought a land --
24 mine reclamation for the mine in which they were
25 going to put C&D material.

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2 I'm offended that they would use that
3 nuance in the -- in the definition of what they were
4 going to do. And I don't know of a mine reclamation,
5 where they allow C&D. I don't know if that they've
6 done it in the past, I don't know if they will do it
7 in the future.

8 But I would think allowing it to
9 continue opens up the Department of Environmental
10 Conservation to an arbitrary and capricious argument
11 for future mines that want to accept C&D material.

12 Again, there's one way in and one way
13 out, the trucks coming down the hill don't really
14 care about the very few neighbors that are living on
15 Partition Street and the tipping fees that they
16 receive are a pittance compared to what the residents
17 have to endure throughout the year.

18 I apologize for going over my time and
19 I appreciate you holding this hearing and having the
20 opportunity to speak, thank you.

21 A.L.J. MCBRIDE: Thank you. Joseph
22 Buono.

23 MR. BUONO: Hello, I'm Joseph Buono.
24 I have a farm in East Greenbush, and I do seeding and
25 dust control work for the Dunn landfill. The Dunn

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2 landfill is very proactive in all their dust. We're
3 on call all the time, whenever there's a problem we
4 have to be there.

5 You know, and we planted trees around
6 the Dunn landfill and tried to keep it as green and
7 dust free as we can. They've been a very good
8 customer. And the other thing is, you know, I hear
9 people about the smells of the landfill, if you want
10 to smell something, ride down South Street in
11 Rensselaer and smell the East Greenbush sewer plant
12 that will turn your stomach. I have to drive there
13 to home every day.

14 So that's, you know, about the rules
15 of the Dunn landfills. I had several hundred --
16 several hundred yards of material, demolition
17 material dumped on the farm, I had to get rid of it.
18 I called up to the Dunn landfill they would not
19 accept it unless it was thoroughly inspected.

20 They won't accept material that
21 doesn't conform to the rules. I had to pay eight
22 thousand dollars to ship it out to Waterloo, New
23 York, so that's about all I have to say. I'm in
24 favor of the dump.

25 A.L.J. MCBRIDE: Thank you. Peter

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2 Mannella. Thank you.

3 MR. MANNELLA: Good evening, thank
4 you. My name is Peter Mannella. My wife Carol and I
5 are residents on Highland Avenue in the City of
6 Rensselaer. I wanted to share just a few thoughts.
7 I worked for many years in the school bus industry
8 and I'm aware of D.E.C. rules that are placed on
9 school bus idling, fuel and oil treatment, engine
10 exhaust, emissions, and other things.

11 So I know that D.E.C. is very capable
12 and prepared to do what's right for the people of our
13 State and our communities and I appeal to you as
14 public servants to do just that in the case of the
15 Dunn landfill, spoiler alert, close it.

16 Around the time that dump was being
17 approved, I was pleased to be part of a Clean Green
18 Schools Project. In fact, I participated in that
19 effort with Christine Kelp from R.E.C., who appeared
20 here this afternoon to speak to you.

21 The placement of this dump is so close
22 to the school totally betrays the notion of a clean
23 green school facility for our children. I'd suggest
24 tonight that our Rensselaer kids will never have a
25 truly Clean and Green School so long as if Dunn dump

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2 is in existence in their shadow.

3 It's a sad fact that we Americans
4 generate a lot of waste of all kinds and that
5 something needs to be done to dispose of that waste
6 safely. That's a problem that we're not here to
7 address tonight, that's for D.E.C. and others at the
8 State level to grapple with.

9 And if I had to give you a clue about
10 it from Rensselaer's standpoint, we don't want it
11 here. We're here to address the placement of a dump
12 or landfill whatever we call it within the sight of a
13 public school serving over some thousand children --
14 some one thousand of our children, and dozens of
15 teachers and school staff.

16 That was a grave mistake in 2012 and
17 continues to be a grave mistake that needs to be
18 corrected now. I can't argue the details of the
19 review that led to the permitting of that landfill
20 because I wasn't here and I'm not an expert in those
21 procedures.

22 I can, however, quote the comedian
23 Sebastian Maniscalco who poses a question in one of
24 his routines, why would you do that? As a former
25 State policy level employee myself, I'd ask D.E.C.

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2 now, you've heard over many years and today from many
3 residents of our city, some that I heard earlier were
4 painful as people saw their houses and their families
5 affected.

6 People living with horrendous noise
7 and dirt levels, our infrastructure being ruined by
8 trucks rumbling around town. Knowing all this, I
9 don't know how you can go back to headquarters and
10 even consider renewal of the permit for the Dunn
11 landfill.

12 I just don't see it, mistakes happen,
13 let's chalk Dunn up as a mistake that should not have
14 happened, but let's not make it worse. I'm an
15 imagine kind of guy and I imagine that amazing piece
16 of land that holds a dump, calling us out, begging to
17 be something more than a dump.

18 Imagine a family-centered urban park
19 or a nature walk like those we see in Chittenango or
20 Saranac Lake. Imagine just a plain old open space
21 given back to nature. Imagine anything other than a
22 sheetrock, and construction waste-filled dump.

23 And one final note, D.E.C. and the
24 Governor's office should seriously look -- look into
25 and consider legislation offered by Assemblyman

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2 McDonald. I'm glad he's here to hear me say that.
3 Assembly one seven six seven that would require
4 D.E.C., quote, to integrate the latest scientific
5 information regarding the impact of such facilities
6 on vulnerable populations such as children and
7 seniors, disadvantaged communities, water, and the
8 environment when siting a landfill.

9 If the struggles we've experienced
10 with Rensselaer can bring relief to other communities
11 at least some good will have come out of this mess.
12 I want to close by repeating something that I heard
13 another Rensselaer citizen say this afternoon, it's
14 time to be done with Dunn, thank you for the time.

15 A.L.J. MCBRIDE: Thank you. Sarah
16 Hudson.

17 MS. HUDSON: Hi! My name is Sarah
18 Hudson. I live on Fowler Avenue. I've been to many
19 of these meetings and I'm here to oppose the Dunn
20 landfill getting the permit renewed. They say that
21 they're good neighbors, good for the city, but
22 neglect to mention that you had to breathe in poison
23 gas, hydrogen sulfide and who knows what else.

24 Nothing else -- nothing short of
25 directly poisoning the men, women, children, and

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2 animals of the city. The people can breathe poison
3 for the greed of others. They say they pay taxes and
4 want to point out things that they do that are good
5 for the city.

6 But you know, they say that the taxes
7 went down. Nobody's taxes went down. This level of
8 poison went up. They must breathe just for occupying
9 their own home and it's a city for people to live in,
10 not for a dump.

11 How is it not criminal to force people
12 to breathe poison or are you saying as long as they
13 pay it's okay to poison the people of this city.
14 That is exactly what is happening to the people that
15 bought the dump and continue to support it are acting
16 as criminals.

17 They're saying in essence that you
18 have to breathe in poison for the profit of others.
19 The people pay taxes as well. Where are the rights?
20 By leaving this in operation you are saying they have
21 no rights. They have quantified how much you need to
22 pay to poison people.

23 The people that support the dump
24 support the poisoning of your family, nothing less
25 than that.

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2 A.L.J. DEBRIDE: Thank you. Carl
3 Clemente. And just to let you know the next speakers
4 after Mr. Clemente we have Lee Cookson, Jack Conway,
5 and Marilyn Raleigh.

6 MR. CLEMENTE: Good evening, Carl
7 Clemente. I -- I'd like to speak in favor of the
8 continued operation of the landfill. I don't -- I
9 don't believe there be any new impacts, no new
10 traffic to -- yeah, to be honest, I've -- I've worked
11 here as -- as an outside contractor for years.

12 I've been involved in paving the roads
13 inside the landfill. I think we just recently paved
14 a mile worth of road inside the landfill. We -- you
15 know that it was -- it was very clear, you know, they
16 want -- they want no dust going out and I've been to
17 a lot of facilities like this that don't pave you
18 know, the distance that they've paved or anything
19 that we paved there were -- everything had a drain
20 within the landfill make sure nothing was leaving the
21 landfill when it rained.

22 They've -- whenever we were working
23 there if the wind -- if the wind came up, they'd shut
24 you down for the day, it just any -- any minor thing
25 they're very conscious of and it's -- it's easy to

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2 say how bad a company this is but what I've -- what
3 I've seen as an outside person is how much they care
4 when they're -- when they're operating this facility.

5 I've -- I've been inside this landfill
6 for hours on end. I -- I and I have been to a lot of
7 landfills in my life, I -- I and I don't -- I don't -
8 - I don't smell any odors. Actually, like one of the
9 person said -- one of the only times I've ever -- one
10 of the only times I've ever smelled --

11 A.L.J. MCBRIDE: Excuse me. Excuse
12 me. People this is obviously an important issue to
13 everyone that's taken the time to come here this
14 evening, but we must respect all speaker's right to
15 make their comments. So please remain silent while
16 everyone is speaking, thank you.

17 MR. CLEMENTE: Well, the only times
18 I've ever smelled anything in this landfill, I did, I
19 smell -- I smell the East Greenwich sewer plant. The
20 -- they've always when I've been there run -- run a
21 clean operation and I feel there will be no new
22 impacts if it's continued to run, thank you.

23 A.L.J. MCBRIDE: Thank you. Lee
24 Cookson.

25 MR. COOKSON: I'm here to speak in

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2 opposition to the renewal. New York -- New York
3 D.E.C. should never -- never have approved this
4 application in the first time. The objections laid
5 out back then were valid and continue to be
6 legitimate now. And there was hard evidence that
7 tells us those claims were very true unfortunately.

8 There were promises made and
9 assurances given by the owners the first time around
10 about the concerned outlined and the only time of
11 this have been proven to be hollow words and lies.
12 Sure. They've been busy little beavers the last year
13 trying to right a few of the complaints to look good.

14 But we all know, if this application
15 is renewed, they will revert back to ignoring rules
16 and turning a deaf ear to legitimate complaint until
17 the next permit renewal comes around because their
18 one and only concern is money. A dump does not
19 belong here under any circumstances period, end of
20 discussion.

21 People in the community around the
22 dump are suffering and most importantly, children who
23 for the most part, can't advocate or speak for
24 themselves, are suffering and may suffer for their
25 entire lives. We the adults, whether it be

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2 neighbors, whether it be New York State personnel,
3 whether it be personnel for D.E.C., whether it be our
4 former governor, our current Governor Hochul, or
5 local and county political leaders who all sworn an
6 oath to protect them.

7 They did not do the job they were to
8 have done the first time. We cannot fail them a
9 second time. A dump does not belong here. It's
10 simply common sense close the dump this time, get it
11 right.

12 A.L.J. MCBRIDE: Thank you. Jack
13 Conway and after Mr. Conway, we will have Marilyn
14 Raleigh, Bryan Fesler, and Mike Papero.

15 MR. CONWAY: My name is Jack Conway, I
16 am the supervisor for the town of East Greenbush and
17 these two misinformed people with old news who are
18 picking on the East Greenbush sewer plant which I
19 run. Our instruments show we've eliminated seventy-
20 two percent of the odor on the turnpike, and Monday,
21 a new operator begins with a new odor control
22 strategy. How dare you use the town of East
23 Greenbush.

24 I'd like to hear Joe Bueno support
25 something that he isn't getting paid for. Okay.

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2 Now, I'm here -- I'm here and people -- there's
3 people in this room who've known me for a long time,
4 and you have never heard me say the following words.

5 What else can I say? This has been
6 proven, the science has been proven, the health
7 defects that are coming, okay? The environment is
8 being degraded, the City of Rensselaer is being
9 degraded. People are losing property value, nobody's
10 going to want to develop in a city that has this crap
11 in the middle of it.

12 And we come here again and again, and
13 we tell you the same thing again, and again. And
14 quite frankly, there is no indication to the people
15 who feel like I do, that anyone is listening. It's
16 almost pointless to talk, we talked to Kate, we
17 talked to Tony, we talked to good people from D.E.C.
18 and they're -- they're professional and they're
19 responsive.

20 This decision is being made way over
21 their heads. So twenty years from now people start
22 developing health problems who went to that school,
23 where's the school near the sewer treatment. People
24 who went to that school start developing health
25 defects in twenty years, what is the line staff at

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2 D.E.C. going to say, oops, you can't do this, you
3 cannot do this. It is a very simple equation,
4 profits versus people.

5 And the Department of Environmental
6 Conservation is paid for by the public, by the
7 taxpayers of the State of New York, and you have an
8 obligation to represent them. I'm the supervisor in
9 East Greenbush, we don't have any jurisdiction
10 whatsoever.

11 But our neighborhoods are getting
12 stunk up, dust on the houses, people are washing
13 their cars three times a week. People can't use
14 their yards, or their decks and we had -- we --
15 there's nothing we can do about it except come to
16 these things and talk to different people each time.

17 We say the same things, we prove the
18 same facts. This dump has to go, how do you put the
19 worst dump in the State of New York in the middle of
20 the city, next to residential neighborhoods and next
21 to a school is unconscionable and I'm calling, as
22 Supervisor of the town of East Greenbush for this
23 dump to be closed and for the people in my town to
24 have their quality of life restored, thank you.

25 A.L.J. MCBRIDE: Thank you. Marilyn

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2 Raleigh.

3 MS. RALEIGH: Well, for starters, the
4 dump was a big surprise to most of us. Most of us
5 didn't even know it was coming to our city and the
6 sad part of it is D.E.C. hasn't even done any surveys
7 to find out if kids are sick in school, if adults are
8 sick within the vicinity of where the dump is.

9 These things are most important, and I
10 just found out a little while ago at the outside
11 meeting that we had that the road is deteriorating
12 that the people of Rensselaer just built. And we're
13 going to be responsible for the repairs and we're
14 going to be re --responsible for all the repairs that
15 -- that have to be done if it's not too late.

16 All we need is one major catastrophe,
17 a bridge collapsing with maybe a school bus on it,
18 and then, maybe somebody will act. You know, this is
19 -- this is a simple procedure where people have to
20 care about other people; this may sound stupid.

21 I've already given my talk outside,
22 but I'll tell you this, I mow my lawn and I remember
23 days where I used to mow my lawn and it smelled
24 sweet. Those days are gone. I mow my lawn and it
25 smells like dirt and dust and the smells are

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2 horrendous and for the gentlemen that think that the
3 dump is good.

4 I say to them, you do not live around
5 it because if you did, you would not say it was good.

6 A.L.J. MCBRIDE: Bryan Fesler. Thank
7 you.

8 MR. FESLER: Three minutes, here we
9 go. My name is Bryan Fesler and I live at and own
10 1544 6th Street in the City of Rensselaer. Based on
11 local weather stations, including my own, the
12 prevailing winds are from the south, putting the
13 school and children in the direct path of dust,
14 debris, smells, and chemicals, such as hydrogen
15 sulfide, based on particulate meters, such as my own,
16 particulate counts two points five to be exact are
17 unlike any other our -- our counts are higher when
18 the dump is in operation than when not and dust
19 accumulates quickly and in and on my windows, unlike
20 any other home I have owned.

21 The existing berms that do not contain
22 or hold back any of these items, it's a -- by way of
23 my drone surveillance, the dump is preparing for the
24 North berm by moving truckload after truckload of
25 dirt from the east side to the north side right now

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2 today, beeping all day long. It's as if the dump
3 knows that this permit will be approved before it's
4 approved, and I hope that's not the case.

5 So I had a lot more to say but I only
6 have two minutes, but I'd like to say what can be
7 done to correct the injustice of siting this obscene
8 dump two hundred feet from the school and its impact
9 on the community as a whole. Well, Governor Hochul
10 and D.E.C. and her D.E.C. agency can stop their
11 virtue signaling by practicing what they preach in
12 regard to the environment and disadvantaged
13 communities and close this dump.

14 D.E.C. can apply their newly
15 established rule 365-5k regarding the setting of new
16 dumps needing to be more than one thousand feet from
17 schools or residents and refuse to issue a permit and
18 close the dump, this was done in July.

19 Let's move forward on that. Let's
20 consider applying here. D.E.C. can prioritize the
21 health and safety of our school children, community,
22 and those downriver from the PFAS in Hoosick that
23 enters the Menage wastewater plant and close the
24 dump.

25 D.E.C. can get serious about

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2 monitoring air and water, such and such places as the
3 hollow that was brought up before where gases
4 accumulate and close the dump based on results. I
5 have to bring in the City of Rensselaer's police
6 department.

7 I believe that they might be able to
8 help out here, they might be able to hold truck
9 drivers that are responsible for violations of
10 traffic laws that almost all trucks violate. Nobody
11 wants to lose their C.D.L. and I know they don't.

12 And lastly, the Amtrak bridge, you
13 know, what a shame, we -- we apparently, I've just
14 found out that the City of Rensselaer owns this. So
15 again, we're going to have to be responsible for
16 this. So I think this is absurd.

17 So regardless of the catastrophe that
18 could happen with the poor and the satisfactory
19 ratings on some of the columns and some of the
20 components. And I'm hoping that the State can show
21 some concern and take action for Amtrak travelers,
22 and those that use the Broadway Bridge by doing a
23 proper audit on the stresses that six-fifty-ton
24 trucks have on the bridge and how that compares to
25 the state of capacities and current ratings of poor

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2 and unsatisfactory.

3 I go to work in Albany six thirty in
4 the morning and I see that bridge packed. It's only
5 a matter of time before there's a problem and the
6 City of Rensselaer has to pay for it. Thank you.

7 A.L.J. MCBRIDE: Thank you. Mike
8 Papero.

9 MR. PAPERRO: I live on Partition
10 Street in Rensselaer. I used to be a teacher. So
11 I'm going to teach D.E.C. what to do. So this -- Mr.
12 D.E.C. or Ms. D.E.C. person who's writing the part in
13 the permit about the trucks and their traffic.
14 Instead of taking your pen and just copying out of
15 former permits, what you wrote, you're going to put
16 the pen down, you're listening?

17 Mr. D.E.C. person, you're going to put
18 the pen down, go to your car, and you're going to
19 drive to a truck stop, got it? You're going to find
20 a tractor-trailer with a diesel tractor eighty-foot
21 long that's running. And when it starts to leave,
22 stand forty feet away from it, got it?

23 Forty feet, I want you to smell it. I
24 want you to look at it and I want you to listen to
25 it, do that for thirty seconds, that's all, but

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2 multiply thirty seconds times two hundred. Register
3 in your brain and ask yourself, would I want to be
4 the person in the house that has to put up with that
5 all day, five days a week, fifty times -- fifty weeks
6 out of the year that's fifty thousand times.

7 Then, if you could in good conscience
8 sit down and write that that is a mitigating number
9 of trucks you should hang your head in shame, that's
10 it.

11 A.L.J. MCBRIDE: Okay. Barbara
12 Capozzola, and then, after that, we'll have Jessica
13 Welshans and Tracy Frisch.

14 MS. CAPOZZOLA: My name is Barbara
15 Capozzola and I'm a teacher. And I've been teaching
16 for thirty-seven years, nineteen here in the City of
17 Rensselaer. I'm here to speak for myself but in a
18 sense also for the other teachers that work here, and
19 most importantly, for the young people I teach.

20 Teaching has been tough in the last
21 couple of years, as you can imagine, with COVID, and
22 everything else that's been going on, but for the
23 last thirty-seven years, I've been teaching my
24 students about history and about government, about
25 the role of government, about the fact that the

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2 government is supposed to serve the people.

3 The government is supposed to work for
4 the common good and that we all have a say in
5 government, that's what our country was founded on,
6 we need to have a say and to be represented.

7 In the course of teaching history,
8 I've taught my students about how our nation has
9 developed and how it's grown, about how various
10 government departments and agency has -- have been
11 formed.

12 In 1970, Richard Nixon oversaw the
13 creation of the E.P.A., the mission of the E.P.A. is
14 to protect human health and the environment and I've
15 taught my students that it's there for you, it's
16 there to protect your health, it's there to protect
17 the environment.

18 Over the course of the last thirty-
19 seven years I've been teaching, we've celebrated
20 Earth Day. I feel like a hypocrite. Okay. In
21 recent years, in my contemporary issues class, we've
22 talked about environmental justice, we studied water
23 in Flint, Michigan, PFAS in Hoosick Falls, borylate
24 in Cohoes and we sit two hundred feet from a gigantic
25 dump.

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2 It doesn't make any sense. It's very
3 hard to -- I have -- to feel strongly that I'm
4 convincing my students that the government does
5 indeed serve you, it does indeed work for you, I
6 would like to see this permitting process and there
7 should be no dump here.

8 We need to restore faith and
9 confidence in what our government is supposed to do
10 for us, for my students who live and work and go to
11 school here, it's time to do your job and do what's
12 right.

13 A.L.J. MCBRIDE: Thank you. Jessica
14 Welshans.

15 MS. WELSHANS: .
16 Good evening. My name
17 is Jessica Welshans. And to be clear, I'm speaking
18 as a citizen of the city and not a vendor of the
19 dump. Five years ago, I was able to buy my first
20 house in Rensselaer, which I'm very proud of. I love
21 living in Rensselaer. And the opportunities it's
22 afforded me so far.

23 Immediately after moving here, I
24 started hearing about and smelling the dump. And I
25 thought, no, that's preposterous. That's got to be
an exaggeration. It can't be that close to the

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2 school. But I was mistaken. Our school literally
3 shares its borders with an industrial waste landfill.

4 It's an unbelievable situation but yet
5 here we are again, pleading our case to the D.E.C.
6 Again, having to again argue why a dump should not be
7 located next door to our K through twelve school. So
8 as I understand it, as part of this permit renewal
9 process, in accordance with the New York State
10 Climate Act of 2019, the D.E.C. must ensure that
11 permitting this dump does not disproportionately
12 burden a disadvantaged community.

13 So I'm going to focus on how this is a
14 disadvantaged community and why having a dump here is
15 absolutely a disproportionate burden. The presence
16 of this dump is a textbook example of environmental
17 injustice. In 2019, Hunger Solutions of New York, a
18 not for profit that studies food insecurity in New
19 York State, put out a report that showed one hundred
20 percent of the students attending Rensselaer City
21 School District were eligible for free or reduced
22 price meals through the U.S.D.A. federal program.

23 So for context, only seventy-one out
24 of the over eight hundred public school districts in
25 the report across all of New York State saw one

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2 hundred percent of their students qualify and
3 Rensselaer was one of those seventy-one. Free or
4 reduced price school meals are a hallmark of a low
5 income community, and I do wonder if any of those
6 other seventy-one districts are also located kitty-
7 corner to an industrial waste site.

8 Now, what about staff recruitment? I
9 think the administration here would agree that
10 teachers are an increasingly scarce and
11 underappreciated resource. So I have to ask, does
12 the dump help keep a productive student to teacher
13 ratio? Will talented educators continue to choose
14 Rensselaer when our school's most notable feature is
15 a dump?

16 To say it simply, we would not be
17 having this conversation if this school were not
18 located in a significantly disadvantaged community.
19 This would not have happened in Bethlehem, Saratoga
20 Springs, Shenendehowa School District, I think we all
21 know that. Those high schools are surrounded by
22 parks and community centers. In contrast, right now
23 students in Rensselaer go to school between a dump
24 and Interstate 90.

25 As for the disproportionate burden,

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2 this toxic dump is not just affecting the larger
3 community, it's highly concentrated on our children
4 all throughout their formative years. Our children
5 will spend their entire academic careers sitting next
6 to an industrial waste site, the largest construction
7 and demolition dump in New York State, breathing in
8 its toxic dump -- its toxic dust and odors, every
9 school day for thirteen long years.

10 If that's not a disproportionate
11 burden targeting specifically low income school
12 children, then words have lost all meaning. S.A.
13 Dunn also promotes the history of the dump as a
14 former mining site that has existed back since the
15 1800s. So if you visit their website which I
16 encourage everybody to do.

17 You will see these black and white
18 photos of men mining and old machinery. This is
19 personally my favorite narrative of theirs because it
20 very much gives this impression of this like
21 nostalgic storied history. But what they're doing is
22 implying that environmental destruction is a part of
23 Rensselaer's D.N.A.

24 They're justifying the dump as a
25 continuation of some two hundred year old tradition

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2 in Rensselaer. They're saying that that big hole in
3 the ground next door is just part of our history here
4 and back filling it full of industrial garbage is
5 just the next logical step. Well, I find that deeply
6 insulting. That is not what Rensselaer is here for.

7 And instead, I would argue that two
8 centuries worth of environmental degradation is not a
9 legacy to be proud of, but rather an example of a
10 burden that's two centuries old and still counting.
11 Now, compound that two hundred year old dump site
12 with the former B.A.S.F. industrial site, the Amtrak
13 station, the Empire Power Station, the East Greenbush
14 waste site.

15 You'll find that Rensselaer has been
16 disproportionately burdened by being this area's home
17 for pollution, garbage, and blight for centuries. By
18 S.A. Dunn -- S.A. Dunn's own admission, they want us
19 to be proud of it. When will it end for the city of
20 Rensselaer? We are not a dumping ground. People
21 live here and we do not want this dump.

22 We do not want S.A. Dunn's pitiful
23 payments or their firm dirt wall solution which it
24 was such a solution why wasn't it included ten years
25 ago? The dump will never be acceptable to

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2 Rensselaer. It will always be an embarrassment. An
3 example of yet another private L.L.C. taking
4 advantage of a low income city without the resources
5 to fight the invasion of a dump next door to its
6 school.

7 A textbook example of environmental
8 injustice. I'm almost done. Now, I don't know
9 exactly how this dump got approved. But I do know
10 how it will get closed. The D.E.C. will not renew
11 this dump's permit because the D.E.C. works for the
12 people of New York, the public. The D.E.C. does not
13 work for S.A. Dunn. [Applause]

14 A privately owned Texas-based
15 corporation, the D.E.C. is going to stop gambling
16 with the health and safety of Rensselaer school
17 children on behalf of S.A. Dunn. Article 1, Section
18 19 of our beautiful New York State Constitution
19 reads, each person shall have a right to clean air,
20 water, and a healthful environment.

21 So it is time for the D.E.C. to defend
22 our children's right to clean air, water, and a
23 healthy environment while they attend school. It's
24 time for the D.E.C. to finally stand up against the
25 Dunn dump and protect what is left of Rensselaer's

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2 uncontaminated land. Our message to the D.E.C. is
3 simple. Do your job by closing this dump. Thank
4 you. [Applause]

5 A.L.J. MCBRIDE: Tracy Frisch. After
6 Ms. Frisch, we have Monica Gray, Annie Erling, and
7 Todd Rutecki.

8 MS. FRISCH: Hello. My name is Tracy
9 Frisch. I'm the court -- I'm the Chair of the Clean
10 Air Action Network of Glens Falls. Our organization
11 is working with Upper Hudson residents to stop
12 proposed polluting facilities and reduce pollution
13 and health impacts from existing polluters.

14 Tonight, I'm here to offer solidarity
15 with the people of Rensselaer from -- from CAAN and
16 Upper Hudson residents who are in similar fights. We
17 have an aging trash incinerator, a paper mill, a
18 medical device sterilization plant that emits unknown
19 -- unknown human carcinogen and we are working hard
20 to stop a sewage sludge biochar factory.

21 CAAN supports the denial of the permit
22 renewal and calls for the closure of the -- of the
23 Dunn landfill now. The D.E.C. must protect the --
24 the health and safety of children and staff at the
25 school and -- and the surrounding residents. That is

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2 D.E.C.'s job. I want to point out that the Dunn
3 landfill is owned and operated by Waste Connections,
4 a billion dollar corporation that -- that is
5 headquartered out of State.

6 I'm also the coordinator of Zero Waste
7 Warren County. And I have some comments from the
8 Zero Waste perspective. Large C&D landfills are not
9 inevitable. D.E.C. should use the State's official
10 waste hierarchy which I believe dates to -- back to
11 1988 to -- to regulate the management of construction
12 and demolition waste.

13 Pete Seeger used to sing a song that
14 had the line, it really isn't garbage till you mix it
15 all together. And that's the case with C&D. At the
16 top of this waste high -- hierarchy is waste
17 prevention. Then comes reuse and repair, followed by
18 recycling. Many construction materials can be sold,
19 reused, or recycled.

20 Surplus construction materials should
21 never be discarded, but saved for future use or
22 resold or recycled. Older build -- buildings
23 scheduled for demolition should be deconstructed to
24 the greatest extent possible and their building
25 materials sold for reuse and recycled. In many

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2 circumstances, sheet rock can be recycled.

3 Sheetrock is that, the material that
4 causes the rotten egg, hydrogen sulfide smell at the
5 Dunn landfill. I -- I also opposed the transport of
6 leachate from the Dunn landfill to the wastewater
7 treatment plant. This is -- this is a criminal
8 practice that is -- is allowed by D.E.C.

9 Wastewater treatment plants do not
10 have the technology to detoxify PFAS forever
11 chemicals or numerous other toxic chemicals that
12 leach out of landfills. So in closing, the -- the
13 landfill must be closed. Thank you. [Applause]

14 A.L.J. MCBRIDE: Monica Gray. Is
15 Monica Gray here?

16 THE REPORTER: She -- she's gone.

17 A.L.J. MCBRIDE: Oh, okay. Anne
18 Erling. And we do have quite a few people left to
19 speak. So I would ask people to try to limit their
20 comments to three minutes. I know you have a lot of
21 important things to say, but if you can keep that to
22 three minutes.

23 MS. ERLING: Hi, I'm Anne Erling. I'm
24 here in solidarity with the people of Rensselaer who
25 live and go to school near the Dunn landfill and are

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2 eager to see the landfill closed. It's hard to hear
3 this story and not feel that we're witnessing
4 environmental injustice in action. I've heard that
5 the proximity to the school wasn't adequately taken
6 into consideration when this was originally approved.

7 It should be taken into account now
8 when considering permit renewable for the dump.

9 Another thing that likely wasn't considered when the
10 original Dunn landfill permit was approved was the
11 cumulative impact of this landfill on top of other
12 sources of pollution.

13 But as of now, as of the Governor's
14 signature of the New York State Cumulative Impacts
15 Bill, last New Year's Eve permit renewal now must
16 also take into account the existence of other sources
17 of pollution in Rensselaer.

18 And I note the gas fired power plant,
19 the rail yard, I-90 which has a lot of P.M. two point
20 five, the asphalt manufacturer. There are other
21 pollution sources in Rensselaer that need to be taken
22 into consideration now. I ask you to conscientiously
23 apply a cumulative impacts lens to this Dunn landfill
24 permitting decision.

25 And when you do, I trust that D.E.C.

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2 will determine that this community is
3 disproportionately and inequitably burdened by
4 environmental pollution. From the standpoint of
5 environmental justice, the Dunn landfill should be
6 closed. [Applause]

7 A.L.J. MCBRIDE: Thank you. Todd
8 Rutecki. After Mr. Rutecki, we have Fred Weakley and
9 Lou Sebesta.

10 MR. RUTECKI: Thank you. My name is
11 Todd Rutecki. My wife, Lark Rutecki and I live on
12 10th Street and have four young children, three of
13 whom will be students at the elementary school this
14 fall. Lark would have been here tonight, but we
15 flipped a coin and she won the privilege of doing
16 diaper changes for baby number four.

17 I get to talk about something else
18 that stinks, the Dunn landfill. Our family shares
19 the distinction with one of our neighbors as living
20 closest to the school and also having kids attending
21 the school. That means my kids never ever get more
22 than a stone's throw away from the landfill.

23 The safest landfill is the one that
24 was never opened. The next safest is the one that
25 closes. I told someone once, if I woke up tomorrow

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2 and heard on the news the landfill was closing, it
3 would be a good day, a great day. I understand there
4 is a process and tonight is part of that.

5 There are two possible outcomes. The
6 landfill is closed or it's allowed to continue. That
7 decision will be made one way or the other. And I
8 hope that it closes. However, if this travesty is
9 permitted to continue, I ask that the full weight of
10 the regulatory authority apparatus be brought to bear
11 on the Dunn landfill.

12 Ensure it has to implement more safety
13 protocols than any landfill in the history of
14 landfills. Thank you for the opportunity to speak.

15 A.L.J. MCBRIDE: Thank you. Fred
16 Weakley.

17 MR. WEAKLEY: I want to thank you for
18 the opportunity to speak tonight. As the -- the
19 young lady that went a few people ago, I've lived in
20 the city for about five years. And when someone
21 first explained to me where this dump was and how it
22 was located directly next to the school, I was
23 absolutely dumbfounded.

24 I'm amazed that this was allowed to
25 open. You know, I work for the State in the realm of

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2 local governments. I also am on the city planning
3 commission representing neither at the moment. But
4 I'm absolutely aghast that this dump was allowed to
5 open and that it's even considered to be continued to
6 open.

7 I would invite you after this meeting
8 to go stand on home plate of the baseball field and
9 you're about thirty feet from the berm that goes to
10 the dump, if you don't -- if you haven't witnessed
11 how close it is to this school. And I just want to
12 say that I -- whatever benefits the dump claims to
13 bring to the city, we don't care.

14 We don't want it here. And I hope
15 that the D.E.C. makes the right decision and closes
16 the dump.

17 A.L.J. MCBRIDE: Thank you.
18 [Applause] Lou Sebesta. After Mr. Sebesta will have
19 Frank Coppa and Heidi Kelly.

20 MR. SEBESTA: Hello, I'm Lou Sebesta
21 and I live along the truck route to the Dunn dump.
22 I'm a member of STAR and R.E.C. Our State
23 constitutional rights to clean air, water, and a
24 healthful environment are being violated every
25 weekday in a ten-hour assault by monstrous, filthy,

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2 roaring diesel trucks.

3 They're destroying our health, peace
4 of mind, and quality of life. Dunn's 2012 consultant
5 fraudulently claimed quote, no foreseeable
6 significant impacts on many fronts, but I'll focus on
7 noise, by far our greatest impact living on the truck
8 route. It's inescapable and unremediable. Our
9 extensive -- our extensive analysis concluded that
10 Dunn's noise report was green-washed; that is
11 designed to diminish noise findings.

12 For several years, I've scientifically
13 measured truck noise for the -- from the public right
14 of way in front of my home on Partition Street. One
15 early September morning of 2021, fourteen out of
16 fifteen C&D trucks were louder than a City of
17 Rensselaer fire engine with its -- with its siren
18 wailing enroute to an emergency.

19 Some days, noise can be a hundred to a
20 hundred and ten decibels, like a close fly, jet
21 flyover, rock band, or a chainsaw. The U.S. E.P.A.
22 and the Hearing Health Foundation says -- say this
23 noise is damaging our hearing. The N.I.H. says
24 chronic loud noise exposure increases risk of
25 cardiovascular and metabolic diseases including high

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2 blood pressure, coronary artery disease, diabetes
3 type-2, stroke, heart attack.

4 It interferes with sleep quality and
5 clear thinking. It can feel like relentless
6 traumatic stress. We who live on or near the truck
7 rout -- routes of Partition Street and Broadway can
8 feel oppressed even terrorized by dump operations.
9 It's a public health crisis for us. As a
10 disadvantaged community in an environmental justice
11 zone, we should merit more deference than we've been
12 shown.

13 Two of our census tracts have ninety-
14 two percent and ninety-eight percent respectively
15 greater environmental burdens than others in our
16 State. Some years ago, R.E.C. met with D.E.C.'s high
17 ranking administration in D.E.C.'s central office
18 conference room, your Deputy Director and Chief
19 Counsel stated in public that if they knew in 2012
20 what they knew currently, they well may not have
21 approved the dump in the first place.

22 On another occasion, at -- at a public
23 meeting in this very school, your D.E.C.'s former
24 Region Four Director conceded that our community,
25 particularly along the truck route and near the dump

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2 was a sacrifice zone.

3 In 2012, D.E.C. let us down, failing
4 in its core mission to protect our environment and
5 the safety of the people living in it. But D.E.C.
6 has another chance to redeem itself by fully
7 scrutinizing the awful impacts of this dump which
8 intends to operate through 2036. This is an
9 existential issue for us and we implore D.E.C. to
10 deny the permit renewal of this operating permit.
11 Thank you.

12 A.L.J. MCBRIDE: [Applause]. Frank
13 Coppa.

14 MR. COPPA: By the way, I -- I smelled
15 that landfill as I was getting in my car in East
16 Greenbush today. The odor varies in intensity, but I
17 smelled it tonight. Mr. McDonald talked about the
18 need for a full environmental review, but I just -- I
19 -- I don't understand the cycle here.

20 We've -- we've all -- many of us have
21 been here over a year ago in the same type of forum
22 and the review of the permit has been going on for an
23 exceptional amount of time. I mean, what's -- what's
24 going on in terms of this review? It's -- it's -- I
25 see all of the action and communication going toward

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2 the D.E.C. and nothing coming back. So I'm concerned
3 about that.

4 Also concerned about the -- the only
5 additional feature that appears to be part of the --
6 the renewal permit is this -- this berm which really
7 -- its real purpose is to hide a monstrosity that's
8 wedged between our neighborhoods in East Greenbush,
9 the City of Rensselaer, and this school.

10 So you know, in terms of hiding
11 things, you -- you could spend billions and you could
12 build a tunnel under Partition Street all the way
13 from the other side of the river. And you'd never
14 hear the trucks but they're still dumping that stuff
15 up there. So I -- I don't understand the purpose of
16 the berm or whether it's really going to solve
17 anything here.

18 So we have a series of meetings,
19 hearings, studies, meetings, hearings, studies. And
20 a cynic would say, the cycle will keep going until
21 people get tired and less and less people start
22 showing up. And then, at some quiet point this
23 permit gets renewed. And that's what I'm worried
24 about and I'm hoping that that's not going to happen.

25 I thank you folks for hosting this

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2 meeting but I -- you really get the impression that
3 the people who are making the decisions, we have --
4 we never going to see them. It's going to be made
5 some place way -- way up there. [Applause] You
6 folks are doing your job but, you know, our
7 representatives might see them or someone with higher
8 up, some muscle up above us.

9 But we're not seeing the people who
10 are really behind all of this and that -- that also
11 is very frustrating. Thank you.

12 A.L.J. MCBRIDE: Thank you.

13 [Applause] Heidi Kelly. After Heidi Kelly, we'll
14 have Celease and then Bryan Leahey.

15 MS. KELLY: Hello, I'm Heidi Kelly.
16 And I have to admit that I didn't pay super much
17 attention to the dump for a long time. I mean,
18 having only lived in the city for twenty-five years,
19 I feel like I'm a relative newcomer compared to a lot
20 of people in -- in my neighborhood. But one day kind
21 of early in the pandemic, my husband and I were out
22 for a walk that took us around the school and down.

23 And while we were doing that a truck
24 came out of the dump like a, you know, a regular
25 truck not a delivery of waste truck. And some guy

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2 drove next to us and started staring us down like
3 really slowly like we were up to something that he
4 wanted to keep an eye on us. And then, he drove off
5 and then he came back two more times during our walk.

6 And that made me wonder what the heck
7 is going on because as a parent when my kids start
8 doing weird suspicious things I start to wonder what
9 it is that they've been up to. So that's when I
10 started paying attention to things and wondering
11 besides just the gross smell that would waft into my
12 house frequently and all that.

13 And, you know, hearing about obviously
14 all the traffic and the noise and the wear on the
15 road is terrible. And of course, I appreciate all
16 the justified concerns about current and future
17 health effects caused by living near and going to
18 school next to this landfill. I also wonder about
19 the harm being done to the students' educations.

20 I've been a teacher for twenty years.
21 And I mean, I just trying to imagine kids learning
22 and retaining their school work when the air is
23 filled with the smell of rancid eggs, or they have
24 headaches, or trouble breathing due to health
25 concerns that are hitting them right now.

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2 I mean, how are they supposed to be
3 doing their best and becoming their best future
4 selves. I mean, I -- I'd have trouble doing my job
5 if I was under those conditions as well. And these
6 are obviously entirely avoidable challenges that our
7 children are facing.

8 And when I walk around town, I see
9 lots of signs supporting the closing of the landfill.
10 This is regardless of which political candidate's
11 signs are sitting there right next to it. And how
12 often do most people in this town or anywhere
13 irrespective of their political affiliation, their
14 race, their income level, agree on anything.

15 Clearly, what all of my neighbors know
16 which shockingly the D.E.C. did not consider in their
17 original permitting is that a landfill should never
18 be sited next to a school. The D.E.C. can and should
19 make this right and not re-permit the dump. Thank
20 you.

21 A.L.J. MCBRIDE: [Applause] Cease.

22 MS. CELEASE: Hello. How are you
23 doing? I live on 3rd Street and the dump is right
24 behind my house. I've lived in my house since I was
25 twelve years old, I'm fifty-nine. I've had health

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2 problems. My mother's had health problems. And I
3 have a dog that just had a giant mass taken off the
4 side of him.

5 I don't understand why anybody would
6 put a dump in somebody's neighborhood let alone next
7 to a school when you know these kids need to learn.
8 They can't develop well. The air is terrible. I can
9 look out my back porch and I can watch the trucks, I
10 have videos of it. Starting at four in the morning,
11 five in the morning, I'm out there letting my dogs
12 out and trucks are just lined up.

13 The air is stifling. It's making us
14 sick. And we just need to get rid of this dump. And
15 it should have just stopped if they were waiting for
16 a permit why are they allowed to keep continuing to
17 do any work anyway? So you're just hurting us.
18 We've got train stations. Like people are saying we
19 already have toxic stuff over here.

20 We don't need anymore. I used to walk
21 in the hollow. I used to play in the rock quarry. I
22 used to slide down and play in the rock quarry. I'd
23 come through my backyard, over the road, down through
24 the hollow, over the creek, climb the fence, slide
25 down into the rock quarry and I'm still here.

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2 But now it's a dump. And it's
3 disgusting. And I've developed myself. And like I
4 said, I've had medical problems, I've had a heart
5 attack and I'm breathing this stuff every single day.
6 And you have kids in this neighborhood and in this
7 city that are still going to have to develop
8 themselves not with all this toxic waste going on.

9 So I would appreciate it if you would
10 end the permit, stop the dump, get rid of all this
11 toxic stuff that's going on. You have more people
12 moving into the city. Where are they going? How are
13 they going to breathe? You built a whole apartment
14 complex next to a train station which I thought you
15 were moving that school that was there from the
16 beginning because of the train station and the toxic
17 stuff.

18 So you turn around and put it again
19 somewhere more toxic. And the people that owned the
20 dump in the beginning are from here. You don't see
21 them anywhere. You don't see them anywhere speaking
22 up for it because they done took the money and ran.
23 Okay. But we're here still. And we own houses. And
24 we have kids, and we have children, and we have pets.

25 I have a pet that for fourteen years,

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2 well, he's fourteen now. I just had to have a giant
3 mass taken off of him. I've had a giant mass taken
4 out of my stomach. My mother's had her thyroid
5 removed. We can't do this, we need to stop. And I'm
6 being nice. As anybody that knows me knows, I am not
7 a nice person. So I thank you for listening to me.
8 But please get rid of this dump.

9 A.L.J. MCBRIDE: [Applause]. Bryan
10 Leahey.

11 MR. LEAHEY: Good evening. My name is
12 Bryan Leahey.

13 A.L.J. MCBRIDE: Well, I apologize.

14 MR. LEAHEY: I'm the Alderman of the
15 third ward in the City of Rensselaer. And I've heard
16 a lot of good stories tonight. And I've heard a lot
17 of statistics. Take all the statistics, take
18 everything, put them in a jar. Let's start taking
19 care of people. Too many years, this city has been
20 crapped on with Aniline, B.A.S.F. a -- a major Amtrak
21 that we don't get any money from or anything, it's
22 tax free because it's federal. Put that aside,
23 they're killing us from that end.

24 Then, we have this big monster. If
25 you're from out of town or you talk about, oh, the

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2 city with the dump or Mount Dumpmore or any of this
3 crap, tell you you're listening to it. It's not
4 fair. Ms. Walton out there. She was fantastic. And
5 she's only been here for a little time, been here for
6 sixty-six years.

7 And when this happened I don't believe
8 the Dunn family themselves had any idea, well, maybe
9 some but not to the extent of what this was going to
10 do. Not only is the dump killing us. But like Mr.
11 Sebesta and so many other people I've talked about
12 the roads, why is it Broadway is getting crushed?

13 You can bear it -- they can barely
14 make the turn onto here. We try and stop them. They
15 come in the back way down 3rd Ave anyway they can to
16 get here. It's not fair. They're -- the bridge like
17 Assemblyman McDonald and others, Ernie, Dambrose.
18 They talked about the -- the bridge, it's not holding
19 up.

20 I mean, I know it's built to shake.
21 But go sit on it someday. Sit on that bridge and
22 hope to holy hell you get to the other end. This is
23 not good. I have a couple grandchildren in this
24 school -- this school. But I'm not here for them
25 only, I'm here for every child, every teacher,

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2 everybody who works here.

3 The whole environment it's got to
4 stop, please. Governor Hochul get off your high
5 horse and come see this for yourself. Basil Seggos -
6 - [Applause]. Thank you. Come see this for
7 yourself. And tell me that you would allow your
8 children or any member of your family to live here.
9 Like I said, sixty-six years, I'm proud to be an
10 older person in this city.

11 But I'm -- I'm sick and tired of the
12 crap that I hear about how we're looked upon as being
13 other people. We're here. And we want to stay here
14 and we want you all gone. [Applause]

15 A.L.J. MCBRIDE: David Mink.

16 MR. MINK: Good evening, ladies. So
17 my name is David Mink. I'm a third generation
18 resident of Rensselaer only eight hundred meters away
19 from the entrance of the dump facility. And just
20 like Mr. Leahey's grandkids, my daughter is enrolled
21 in this school. She'll be entering first grade in
22 just a few weeks. It cannot come fast enough. I can
23 tell you that right now, she's driving me crazy.

24 But that is not why we're here today.
25 We are talking about the dump. And just like the

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2 ninety-nine percent of the people that are here
3 today, I'm also speaking in opposition of the current
4 use of the Dunn landfill. As Mr. Leahey also
5 mentioned, he's asking the D.E.C. and the mayor to
6 come -- or the governor to come down here.

7 But we know the D.E.C. building, they
8 just have to look out their office building, right
9 out their window and they can see that giant berm
10 that they've been building. And let's think about
11 what that berm really is, yes, they're saying that
12 it's so we cannot see it or the kids cannot see it.

13 But what is it really? It's like
14 widening the top of a bowl. All they're doing is
15 making more space, so they can fill it in deeper and
16 deeper. Now, as Senator McDonald shared with us
17 earlier today last year's meeting held by the Dunn
18 facility was extremely lackluster. It took us months
19 to get responses to our questions.

20 Some of the questions weren't even
21 answered. One of those questions being mine. I
22 asked the dump, what was their vision for this ninety
23 acres of land that they have once they're done using
24 that space. So what I'm asking you, the D.E.C. is
25 that if this permit is renewed, again, because deep

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2 pockets can talk, we don't have deep pockets here.
3 That there are stricter rules put in a place and that
4 there are more stipulations to require the dump to --
5 I like to call them public beach rules.

6 Make sure they leave the land better
7 the way, you know, they leave it better than the way
8 they found it. One of the visions that I have is
9 turning that ninety acres into a solar farm. For
10 those that are familiar with Disney World, they
11 actually built a twenty-two acre solar farm shaped
12 like Mickey Mouse's head. It's funny. But that
13 solar farm can power about a thousand houses.

14 Imagine a solar farm twice the size of
15 Mickey Mouse's head and what that could do for our
16 city. So why can't we turn that dump into something
17 that can actually benefit our community? [Applause]
18 It's a good idea. So it's obvious that there wasn't
19 enough transparency from the dump when this permit
20 was initially approved.

21 So I ask that now, this year, you
22 continue and encourage the dump to make changes
23 because, yes, they are a corporation making millions
24 of dollars but at what cost to our community and our
25 health? Thank you so much.

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2 A.L.J. MCBRIDE: Thank you.
3 [Applause]. Kate Carlucci.

4 MS. CARLUCCI: Hello, good evening.

5 My name is Kate Carlucci. And I am the parent of Eva
6 Carlucci who will be entering the first grade this
7 fall. She loves her school. We are new to this
8 area. We moved here three years ago from New York
9 City. And when we moved here, I had -- we live in
10 that apartment complex that someone was talking
11 about, I -- I think it was you.

12 I'm from this area, I didn't know
13 anything about it. I had -- when I -- during these
14 months, during the pandemic with my young son --
15 excuse me, stop. We would be entertained by the --
16 the trucks going over the bridge every morning. I
17 had absolutely -- between the pandemic and being home
18 with two young children I had absolutely no idea that
19 there was this catastrophic dump, you know, so close,
20 not only to our home but to where our daughter and
21 son will go to school.

22 And our daughter -- I wasn't going to
23 speak this evening. I just wanted to come really to
24 see what this hearing was about and hear the
25 community's opinion and show my -- my children what

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2 good civics look like or what civic responsibility
3 looks like. And then, when I took my daughter to go
4 to the bathroom, she said, okay, I don't -- I'm
5 scared and I don't want to go to first grade next to
6 a dump.

7 So that's why I decided to say
8 something. And I, you know, we've had such a great
9 experience in this community. And it's just -- it is
10 such a tragedy that a dump is allowed -- legally
11 allowed to exist so close to a school, I --- I mean,
12 I'm just appalled. I -- I can't -- like I said I'm
13 new to the community, I -- I don't know the history
14 but my jaw just dropped when I found out what was
15 really going on.

16 And like I said we love the school.
17 And I really hope the dump is not allowed to
18 continue. So thanks for letting me speak my mind.
19 [Applause]

20 A.L.J. MCBRIDE: Brian Stall.

21 MR. STALL: Good evening. My name is
22 Brian Stall, reside at 1478 Broadway. I've lived
23 here in the city with my wife, Gail, for just under
24 thirty-five years. Been on the City Council for a
25 number of years of which I want to state that the

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2 council did pass several resolutions opposing the
3 dump.

4 I'm now the district six
5 representative which is the City of Rensselaer for
6 Rensselaer County. And I would also like to say that
7 Rensselaer County has passed several resolutions
8 opposing the renewal of the dump. It is not wanted
9 here. I'm going to try to speak to something that I
10 don't think too many people have spoke to other than
11 Celease here which mentioned on the pets.

12 And I can tell you we have had many
13 pets in our house throughout our time here in
14 Rensselaer. At one point, we had nine animals.
15 Currently, we have six. Of the six, we have -- right
16 now, we have three dogs, three cats. Two dogs have
17 cancer. One has lung cancer. One has cancer that's
18 spread through his whole body.

19 The only dog that does not have cancer
20 is a puppy that we've only had a year. The three
21 cats that we have, one has thyroid disease, the other
22 one has an extremely rare brain cancer. So rare that
23 it took two years to diagnose it with Upstate
24 Veterinary and Just Cats. And our normal vet that
25 had found out that she had diabetes, but the diabetes

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2 was uncontrollable.

3 And I could literally give that cat a
4 full vial of insulin and it would do nothing to it.
5 Normally, that would kill a -- a cat. But this brain
6 cancer, every animal that has this rare brain cancer
7 has uncontrollable diabetes. The one dog gets chemo.
8 Luckily, we've had her for a year now on chemo.

9 The other dog is so bad that he is
10 just getting a Chinese herb to control bleeding. The
11 three animals that we lost prior to this, one died
12 because of a breathing issue and another one died of
13 cancer. And the other dog just because of old age as
14 far as we know. What's my point here? My point is,
15 animals are much smaller. Their lungs are much
16 smaller. Their lifespan is much smaller.

17 Ten, twenty years for an animal.
18 Humans, seventy, eighty years. When the World Trade
19 Center towers fell all those carcinogens and
20 everything in the air. All those first responders
21 are getting very sick and dying of cancer years
22 later. So my question is, do these animals show a
23 precursor of what is going to happen to all of us?

24 Our young children that are at the
25 school, that their lungs and their bodies are still

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2 developing. So I urge D.E.C., the Health Department,
3 Governor Hochul to not renew the permit to do and
4 look at studies because I do believe there's a few
5 studies on that with animals in Europe and help use
6 that to make their decision before you end up killing
7 all of us. Thank you. [Applause]

8 A.L.J. MCBRIDE: I now have a number
9 of people that spoke at the two o'clock hearing that
10 have asked to speak again because you all spoke at
11 the two o'clock hearing, I am going to hold you to
12 the three-minute time limit and I will ask that you
13 please end at the three minute-time limit.

14 Keep aware of the timer at the front
15 of the room please and -- and conclude at the two
16 minute -- at the three minute mark. Our first
17 speaker is Dave Ellis.

18 MR. ELLIS: Dave Ellis, Rensselaer,
19 thanks again. So I wanted to point out that there's
20 about six people here this evening from the landfill.
21 Plus, they have a lobbying firm here taking notes.
22 I'm not going to point out any people in the audience
23 who they are. But they understand what's going on.
24 They're hearing your concerns.

25 They're going to try to dispute every

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2 concern that we brought forward this evening. But I
3 think they're going to have a hard time doing so
4 because there's a lot of negative impacts on this
5 community. I don't think they would send their own
6 children to the Rensselaer school next to a landfill.

7 And most of the people that work for
8 the landfill do not live in our community. Many of
9 them live in more wealthy communities. So they don't
10 live here and have the impact on a day-to-day basis.
11 Somebody was mentioning asbestos earlier and the
12 materials that are dumped in the landfill.

13 I just wanted to bring up a -- a study
14 that was done several years back, there was a
15 complaint from somebody who worked at the landfill
16 and they reported the company to OSHA. They were
17 concerned about their contact with asbestos.

18 So the report that was filed against
19 the landfill, it looks like in 2016 says that the
20 employer did not perform initial monitoring of
21 employees who were or might reasonably be expected to
22 be exposed to airborne concentrations at or above the
23 eight hour T.W.A. and/or excursion limits, on or
24 about five twenty-three sixteen at the landfill
25 located at 209 Partition Street Extension.

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2 For employees working in the landfill
3 moving around construction material that contains non
4 friable asbestos that was dumped by a dump truck with
5 a bulldozer and/or other heavy equipment, the
6 employer did not conduct initial monitoring. So they
7 didn't do their job. They didn't monitor for these
8 potential risks.

9 What the OSHA found out is that the
10 tipping and handling of the A.C.B.M. creates dust
11 that the operators must blow out of their equipment
12 at the end of each day. Inspection results based on
13 C.S.H.O.'s interviews with the employees. The
14 employees blow out the equipment during the day for
15 twenty minutes and at the end of the shift.

16 The employee stated that non friable
17 asbestos containing material is received on site.
18 They further stated that there is no asbestos
19 exposure because it's non friable. The C.S.H.O.
20 observed work operations and observed that there is a
21 potential for exposure based on how the material is
22 tipped from the dump truck onto the site.

23 A large amount of dust accumulation
24 was observed as the dump truck tipped the load into
25 the landfill. A video was taken by OSHA and they

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2 have that document to show that. So indeed even
3 though the landfill says they accept only non-friable
4 asbestos when the trucks dump the load that asbestos
5 can become friable. And that's per what OSHA
6 investigated.

7 The employer did not conduct air-
8 monitoring. The employer provided signed training
9 records and documents indicating that asbestos
10 awareness training was provided to employees. I'd
11 also like to note they didn't provide any proper
12 masks for the employees. And I have a photograph
13 here that shows a black trash bag wrapped with duct
14 tape in the landfill that's an indication of
15 asbestos. Thank you. [Applause]

16 A.L.J. MCBRIDE: Our next speaker is
17 Victor Batorsky.

18 MR. BATORSKY: The legal question for
19 D.E.C. is are we a disadvantaged community because of
20 industry or do we have industry because we're a
21 disadvantaged community? And I'd like to correct
22 somebody. It goes back more than two hundred years,
23 it goes back four hundred years. [Applause]. Yeah.
24 This area once was responsible for the whole western
25 hemisphere.

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2 Study it up. Whereas, the citizens of
3 Rensselaer have never been enabled to vote for or
4 against the franchise in compliance with the
5 protocols of the home rules, therefore, I call for
6 here and now a public vote on continuation of the
7 operation of the Dunn Debris Facility.

8 Without a proper -- without a popular
9 referendum, the City Council granted the franchise to
10 Dunn. In these words, the city and S.A. Dunn
11 executed and delivered a certain Franchise Agreement
12 dated August 12, 2009. So nobody's hands are tied,
13 it's a franchise. You're not bound to this. You can
14 choose to not have this with or without D.E.C.

15 A required public hearing is now
16 undertaken on permits and approvals as stated in the
17 notice. I quote the Dunn Mine and C&D landfill
18 currently has two permit applications pending before
19 New York State Department of Environmental
20 Conservation for renewal and modification of the
21 facility's Mined Land Reclamation permit and Solid
22 Waste Management Facility permit D.E.C. I.D. number
23 four three eight nine nine zero zero zero zero eight.

24 These applications have been
25 determined to be complete. However, the City's

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2 Council Resolution of August 12, 2009 preempted the
3 citizens' right to debate and vote on the franchise.
4 After mature deliberation and for many urgent
5 reasons, we, the public are resolved that until the
6 citizens of Rensselaer have had ninety days to review
7 the application, initiate a public debate of the
8 application and continuance of operations, establish
9 a Citizen Advisory Council, and implement the
10 referendum vote open to all registered voters.

11 D.E.C. shall not renew or further
12 consider the applications and shall order the
13 suspension of operations, all in favor, raise your
14 hand. There are at least fifty people here, you've
15 got a count here and you have a count from two
16 o'clock you have at least over a hundred people right
17 now saying shut it down and just -- and the speaker
18 that came before, yes, you work for us, not Hochul.

19 Hochul works for us. You work for us.
20 D.E.C. works for us. They are our employee. You
21 must be accountable to us. Thank you. [Applause]

22 A.L.J. MCBRIDE: Joseph Kardash.

23 MR. KARDASH: Good evening, I'm Joe
24 Kardash. I'm the superintendent here at Rensselaer
25 City School. I'd like to thank everybody for coming.

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2 I see some familiar faces from the two o'clock
3 session. And I see some fresh faces again this
4 evening. Kate came up here and brought her kids and
5 said she wanted to teach them their civic duty.

6 We work hard here at school to try to
7 teach our kids civic duty. And there's a room full
8 of people that are not only fighting for them and
9 defending their rights, but they're modeling that
10 civic duty right here. So I'd just like to thank you
11 as the district and personally thank everyone here.

12 Last year when this process, the
13 renewal process started, the district was asked to
14 give our input. We put together a statement that
15 myself, the entire board, every union president and
16 our P.T.A. all signed off that said this is what we
17 believe. I'm going to try to read as much of it as I
18 can within the time limit.

19 In 2012, the Department of Educate --
20 the Department of Environmental Conferencing --
21 Conservation approved an operating permit for a
22 construction and demolition landfill in a location
23 directly adjacent to the Rensselaer City School
24 District. This extraordinary situation was approved
25 with little evidence that the true impact of

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2 proximity to the educational facility was properly
3 assessed.

4 The adjacent school should have been a
5 key issue in the decision and it was not. Mistakes
6 were clearly made a decade ago. Over the past five
7 years, students, and staff of Rensselaer City School
8 District and in the Questar III Rensselaer Academy
9 have been impacted by this remarkable situation.

10 There have been many reported
11 instances of dust blowing on school property and of
12 the presence of hydrogen sulfide creating a rotten
13 egg smells on the property and in the school
14 building. We thank the Department of Environmental
15 Conservation for their partnership with the school
16 community by enforcing corrective actions for each of
17 these violations as they were reported.

18 The frequency of these violations has
19 been reduced through actions of your department
20 corrective actions. However -- of your Department.
21 Corrective actions, however, will never change the
22 fact that this landfill is located directly next to
23 the school. The location just doesn't make sense on
24 any level.

25 A permit renewal would allow for the

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2 continuation of landfill operations including the
3 property nearest to the school in the coming years.

4 The likelihood of further impact from violations will
5 be increased again as the activity moves closer to
6 our property. It will happen again.

7 Renewal would represent a clear
8 indication that despite all knowledge and evidence
9 the inevitable impact, students, staff, and community
10 would not be considered important. I'm going to skip
11 a section due to time. Now is the time to correct
12 the mistakes that were made a decade ago.

13 Twenty years from now, people will be
14 studying this extraordinary situation. The question
15 will be asked, did they learn from the mistakes of
16 2012 or from the mistakes of other facilities when
17 the permit renewal was considered. How will you want
18 that history to be written? Thank you very much for
19 your time.

20 A.L.J. MCBRIDE: Thank you.
21 [Applause]. Wendy Dwyer.

22 MS. DWYER: Thank you. This is part
23 two of my comments from this morning with the same
24 picture -- this afternoon with the same pictures.
25 I'm still Wendy Dwyer. I'm still a retired nurse and

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2 a member of the Rensselaer Environmental Coalition.
3 I was at the Dunn Waste Connections led environmental
4 justice sham meeting last year. I wish I had
5 recorded it.

6 When the moderator for the
7 environmental justice meeting introduced himself and
8 later -- and was later asked his qualifications to
9 run this meeting, so to speak, he apparently forgot
10 to mention that he is, according to the internet, an
11 attorney for Waste Connections. He did admit that he
12 lives in Texas. Am I wrong about this?

13 It felt like Goliath to me. And
14 looking back on his behavior, especially to my
15 pictures it makes sense. And it was smart, although
16 it was deceptive and very misleading. When I saw the
17 responses that were finally published to the
18 questions, I recall many were not answered completely
19 such as the case of my own questions about
20 inspections of loads periodically and non-friable
21 asbestos and where is the paperwork documenting the
22 procedures.

23 On the D.E.C. website last spring, I
24 found a supervisor's checklist that must be completed
25 when materials are presented that are not clearly

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2 accepted. Non-friable asbestos which at the time was
3 on their sign was on that list. I did a FOIL to the
4 D.E.C. requesting these forms for the Dunn's C&D
5 landfill.

6 I was told by the D.E.C. staff member
7 Jonathan Whitcombe in response to my call regarding
8 fresh snow covered in filth and debris in March of
9 2022 on fresh snow that when Dunn accepts non-friable
10 asbestos, they dig a hole and bury it and cover it
11 right away and they're doing a good job on it.

12 There's inconsistency, as best I can
13 tell, based on the signage and the Dunn Waste
14 Connection self-reporting on this mess -- this
15 material, the response to the D.E.C. to my FOIL was
16 that Dunn maintains these forms. To me, that is
17 astounding. I understand there is or was a D.E.C.
18 person paid by Dunn onsite.

19 This seems to me like the fox guarding
20 the hen house. And also, the regulations said that a
21 truckload a week was to be taken apart randomly and
22 inspected. I do not see any reporting on this just
23 that visual inspections are done daily on loads.
24 Dunn did not come up with any of these forms in
25 response to my questions nor did the D.E.C. that I

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2 know of my name, phone number, and email was on file.
3 C&D waste is big money and a big
4 problem. And I know firsthand that people try to
5 hide non-allowed materials in roll offs. A hauler --
6 hauler of C&D waste told a neighbor of mine that if
7 there are things to be disposed of to bury them deep
8 and cover them well such as paints, thinners, toxins.
9 He said no one would know.

10 And that was what they were doing.

11 Oh, oh, I have a lot more to say and I'm not going to
12 be able to say it. So I just want to say that what
13 Mahatma Gandhi said was that, you can judge a
14 community by the way it treats its weakest citizens.
15 We can do better. Thank you. [Applause]

16 A.L.J. MCBRIDE: Bob Welton.

17 MR. WELTON: Hi, I'm Bob Welton from
18 the Rensselaer Environmental Coalition. And
19 listening to all the remarks tonight, I've been here
20 this afternoon, I gave a prepared statement. I just
21 had some more things I thought I had to say. So
22 D.E.C. in the original -- original approval now knows
23 from what they've heard today that they have enabled
24 a monster.

25 Okay. So the problem with this is,

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2 you know, the regional office is in Schenectady that
3 is supposed to supervise the operations of this
4 landfill. So it's not easy because they're quite far
5 away. So what's -- what's being done? I've done a
6 lot of freedom of information request from D.E.C. I
7 know a lot about what goes on at that landfill.

8 So I just wanted to share a few things
9 that they enabled a monster and now they can't
10 supervise it. I'll give you some examples. So
11 inspections. So did -- so the Dunn landfill is
12 supposed to report unauthorized materials in their
13 annual report. I believe in 2015, there was one
14 report and that's the only one I could find.

15 Once -- once. Okay. So now D.E.C.,
16 when the landfill first opened, they would send staff
17 to the landfill for unannounced inspections. And
18 they found things. They found things that weren't
19 supposed to be there. And violations were written,
20 citations were written. And then, in 2019, an
21 agreement was made to have what's called an onsite
22 monitor.

23 This is a person who is paid by the
24 landfill, who sends a daily report to D.E.C. with
25 like four pictures. Let me tell you, that monitor

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2 could be a T.V. camera. That's it. Okay. The first
3 reports that he -- that this person provided did find
4 some problems the first two days. After that, ever
5 since then and I'm not sure if the same person's
6 there now, there's been nothing.

7 I haven't looked at it in about six
8 months. But up to that point there was nothing.
9 They were just monitoring reports saying what's going
10 on. So also, I -- I asked -- I FOIL'D for -- okay,
11 since he was hired what unauthorized inspections have
12 been done by D.E.C.? Two, so this is from 2019 to
13 now because it was just like a week ago.

14 One was somebody inspected in 2019
15 about hydrogen sulfide smells and they found it. And
16 then, the one was done in 2022 and the note was
17 everything's in compliance. So those were the two
18 unannounced staff inspections. So the monitor
19 reports no unauthorized materials, I've looked at the
20 pictures. I've studied the pictures.

21 There's all kinds of stuff in those
22 pictures that should not be there. There's couches,
23 there's mattresses, there's computer monitors.
24 There's all kinds of things that are wrapped in
25 plastic bags. You would have no idea what's in

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2 those. And to say that the Dunn landfill inspects
3 those loaves is a joke.

4 Come on, they opened a truck door, the
5 stuff is piled out of there. If they see something,
6 okay, maybe they say something. I don't know what
7 happens with that because it's not reported to D.E.C.
8 that I can find out. So to say there's nothing in
9 that landfill that shouldn't be there is crazy.
10 D.E.C. cannot supervise this monster, it's
11 impossible.

12 You know, I -- I don't even think that
13 Dunn landfill can really supervise what's going on
14 there because there's so much stuff coming in there
15 and none of us know what's in it including the people
16 in the landfill. So you know, it's a monster that
17 should not be there. It's got to go somewhere else.
18 That stuff is not appropriate for where it is and
19 that's what I have to say. Thanks.

20 A.L.J. MCBRIDE: Thank you.

21 [Applause] That was our last speaker. I want to
22 thank everyone who's come out here tonight. This is
23 very important for the department's review that
24 everyone takes the time to come out here. We thank
25 you for your comments. I'll remind you that the

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2 comment period is open until August 28th and the
3 mailing address and email address are available at
4 the table in the room by the exit of the building.

5 Again, thank you for your time and
6 thank you to the school district for letting us use
7 the building.

8 (Off the record)

9 (The hearing concluded at 7:58 p.m.)

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2 STATE OF NEW YORK

3 I, DANIELLE CHRISTIAN, do hereby certify that the
4 foregoing was reported by me, in the cause, at the time
5 and place, as stated in the caption hereto, at Page 1
6 hereof; that the foregoing typewritten transcription
7 consisting of pages 1 through 86, is a true record of all
8 proceedings had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 15th day of August, 2023.

11

12 DANIELLE CHRISTIAN, Reporter

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