

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 2:05 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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19 Reported by Danielle Christian

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

3 A.L.J. MCBRIDE: Good afternoon,
4 everyone. Thank you for coming out this afternoon.
5 My name is Molly McBride and I'm an Administrative
6 Law Judge at the Department of Environmental
7 Conservation in the Office of Hearings and Mediation
8 Services.

9 Just for informational purposes. My
10 office is separate from Counsel's office of the
11 D.E.C. We're separate from the regional offices and
12 we're separate from all the program offices,
13 including the division of permits.

14 We're here this afternoon for a
15 legislative public comment hearing regarding the
16 application of S.A. Dunn & Company, L.L.C. The
17 applicant has applied for a Mined Land Reclamation
18 permit renewal and modification.

19 As well as a Solid Waste Mined Land
20 Reclamation permit renewal -- excuse me, Solid Waste
21 Management Facility permit renewal and modification
22 for the Dunn Mine and C&D Facility, which is located
23 in Rensselaer.

24 The permit applications would provide
25 for the continuation of ongoing activities which

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2 includes sand and gravel mining operations, with
3 concurrent disposal of construction and demolition
4 material on the ninety acre parcel.

5 In a moment, we will hear from D.E.C.
6 regional permit and by analyst Kate Kornak, who will
7 explain further regarding this application. The
8 notice of complete application, notice of legislative
9 public comment hearing, and notice of the comment
10 hearing period was published on July 12th, in the
11 department's Environmental Notice Bulletin.

12 Notice was also published in the Times
13 Union on July 17th, 2023. The purpose of this
14 hearing is to broaden opportunity for the public to
15 comment on the pending applications. And today is
16 not a question and answer session.

17 The department will be accepting
18 written and oral comments on the pending applications
19 until August 28th, 2023. Therefore, all comments
20 must be received by the department by that date to be
21 considered. The mailing address and the email
22 address for the submission of written comments are
23 available at our table in the hallway where you came
24 into the building this afternoon.

25 There's a sheet there for you to

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2 provide written comments today while you're here and
3 we also have the mailing address and the email
4 address available for you. It's important to know
5 that department gives equal weight to written and
6 oral comments.

7 Anyone who wishes to make a comment
8 here this afternoon must have filled out a speaker
9 card. If you have not yet filled out a speaker card
10 and you'd like to make a comment, please go out to
11 our signup table in the hallway and fill out a card
12 for me.

13 Speakers will be called in the order
14 that you're registered, after we call elected
15 officials who have registered to speak. We ask that
16 everyone be considerate of other speakers who are
17 waiting to make your comment.

18 I will not, this afternoon, be
19 limiting every one to three minutes because right now
20 I have approximately fifteen speakers. So I'm not
21 going to use the time or limit people to three
22 minutes this afternoon.

23 But I would ask that you just be
24 considerate of the length of your comments and know
25 that others are waiting to make their comments on the

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2 record. Any lengthy comments can be submitted in
3 writing. I will call your name when it is your turn
4 to speak.

5 If I mispronounce your name, I
6 apologize now, just correct me please when you come
7 up to speak. After I call your name, please come
8 forward and speak at the podium here to my right.
9 Begin with your name and your address and if you're
10 speaking on behalf of a group, please identify the
11 group that you represent here today.

12 As a reminder again, today is not a
13 question and answer session. If you have questions
14 for D.E.C. staff or for the applicant, you can raise
15 them outside of this hearing here this afternoon.

16 If you're reading your remarks from a
17 written document, after you've made your remarks, it
18 would be very helpful to the court reporter, if you
19 gave us a copy here at the table. So if you are
20 reading from something you have written and you'd
21 like to share that with us after your comments, that
22 would just be helpful.

23 When you do make your statement, I
24 would ask that you please speak loudly, slowly, and
25 clearly into the microphone we have. All comments

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2 this afternoon are being recorded by our court
3 stenographer. If we cannot hear you, there's a risk
4 that your acc -- statement will not be recorded
5 accurately.

6 I would also request everyone silence
7 when a speaker is talking and that you show the same
8 courtesy that all -- to all speakers as you would
9 want for yourself. Again, the written statement, the
10 written comment period closes on August 28th, and the
11 addresses are available in the lobby.

12 Before we begin with the public
13 comments, I'd like to introduce the Regional Permit
14 Administrator Kate Kornak from the D.E.C.

15 MS. KORNAK: Thank you very much. Can
16 everybody hear me? Okay. Good afternoon. I'm Kate
17 Kornak. You can't hear me?

18 ALL: No.

19 MS. KORNAK: How about now? Good.
20 Okay, thank you. I'm Kate Kornak, the Regional
21 Permit Administrator. I work out of the D.E.C.
22 Region Four Office. And I'd like to welcome you all
23 today to the legislative public comment hearing for
24 the -- the Dunn Facility.

25 Presiding over this hearing today is

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2 D.E.C.'s Administrative Law Judge, Molly McBride.

3 Thank you for being here, Molly.

4 UNIDENTIFIED MALE: Speak up.

5 MS. KORNAK: As many of you know, last
6 year, S.A. Dunn & Company, L.L.C. submitted to D.E.C.
7 applications to renew and modify its Solid Waste and
8 Mined Land Reclamation permits. The requested
9 modification relates to their proposal to construct a
10 new mechanically stabilized earthen berm along the
11 north and northeast perimeter of the Dunn Facility.

12 As you came in today, there's a
13 handout available at the sign-in table. This shows
14 the location of the proposed berm in relation to the
15 rest of the facility. Construction of the proposed
16 berm requires a modification to both the Solid Waste
17 permit and the Mined Land Reclamation permits.

18 S.A. Dunn is not currently proposing
19 any other changes to the facility. The neighborhoods
20 near the facility to the south of Partition Street in
21 the city of Rensselaer have been identified as
22 environmental justice communities under D.E.C.'s
23 policies.

24 Additionally, several neighborhoods
25 surrounding the facility have been identified as

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2 disadvantaged communities by the Climate Action
3 Council for the purposes of requirements of New York
4 State's Climate Leadership & Community Protection
5 Act.

6 So as D.E.C. continues to conduct a
7 thorough review of the Dunn Facility's applications
8 to ensure the protection of public health and the
9 environment, it's important that we hear comments
10 directly from the community before any final permit
11 decisions are made.

12 I'd like to thank you all for coming
13 today. Your involvement and -- for your involvement
14 in the permitting process is an important part of the
15 process. We have a few quick reminders about the
16 hearing before we get underway.

17 As Molly said, anybody who wishes to
18 make a comment should have filled out a public
19 comments speaker card, they are available out front
20 if you need to do so. Also, this is a forum for you
21 to share your thoughts and raise concerns or
22 statements that you have about these permit
23 applications that are currently before the D.E.C.,
24 it's not a question and answer session.

25 And this meeting is being recorded by

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2 our transcriptionist. And the D.E.C. will respond to
3 your comments in writing after the comment period
4 ends on August 28th. If you have comments or
5 questions for the D.E.C. and you don't wish to speak
6 today, you can send them by email to
7 comment.dunnfacility@dec.ny.gov or send a letter in
8 the mail to me, Kate Kornak, the Regional Permit
9 Administrator.

10 The address and the email address that
11 I just mentioned are on the information handout
12 that's located at the sign-in table at the front.
13 We'll make sure that those handouts are made
14 available to you after the end of this hearing.

15 Thank you in advance for your
16 cooperation and we sincerely look forward to hearing
17 from you today. Thank you.

18 A.L.J. MCBRIDE: Thank you, Kate.
19 Just a reminder, IF everyone could make sure that
20 their cell phone is on silent before we continue. I
21 know that sometimes I forget to put mine on silent.
22 So please turn off your ringer, please.

23 And also at the podium, there's a box
24 right near the microphones, microphone covers if
25 anyone would like to put a microphone cover on for

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2 extra sanitary protection, feel free, just take one
3 out of the box, put it on the microphone, and then
4 take it off when you're done.

5 I'm now going to begin calling our
6 speakers. And our first speaker is Mayor Michael
7 Stammel.

8 MR. STAMMEL: Thank you very much. I
9 wasn't prepared for this. I told you, I'd be happy
10 to be speaker number nine. But since I'm here, let's
11 make the best of it. I just want to bring to the
12 attention of the D.E.C. and the public -- the public
13 that this past Wednesday, August 2nd, 2023, the
14 Common Council met in a regular meeting of the Common
15 Council and passed a resolution number six on the
16 agenda.

17 That states, a resolution urging the
18 Department of Environmental Conservation to revoke
19 the operation permit for the Dunn landfill. And I
20 might also add to that that this resolution was
21 passed unanimously by the Common Council. And my
22 thanks to the Common Council for -- for doing this.

23 And I'll read a little bit of the
24 resolution here for you. Whereas the S.A. Dunn &
25 Company, L.L.C. located at Partition Street extension

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2 in the city of Rensselaer, possesses a Mined Land
3 Reclamation permit for operation of an existing
4 seventy-three acre Sand and Gravel Mine.

5 And a Solid Waste Management permit
6 authorizing conversion of a mine and construction and
7 demolition disposal site. And whereas the Dunn
8 Landfill received Department of Environmental
9 Conservation, D.E.C. permit to operate on August 2014
10 and began accepting the debris and disposal in
11 January 2015.

12 Whereas, in December 2018, the D.E.C.
13 submitted and received an increasing number of
14 complaints and concerns associated with the landfill.
15 Including odor, air quality, impacts from landfill
16 gases, such as rotten egg smells, associated hydrogen
17 sulfide gases, dust, debris, particulates matters due
18 to construction in general operation and from the --
19 the traffic to the -- to and from the facility, and
20 the facility approximately to the City of Rensselaer
21 public schools campus and neighboring homes.

22 Whereas, within the City of Rensselaer residents
23 living within the proximity of the Dunn Landfill have
24 expressed concern and significant dust settling in
25 their window sills, outdoor furniture, and have

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2 reported repugnant odor similar to rotten eggs that
3 is often unbearable that they cannot re -- remain
4 outside and have stated that the noise from the
5 trucks has disturbed their quality of life.

6 And whereas, in August 2018, D.E.C.
7 issued an order of consent to the Dunn Landfill for
8 inspections violations during January and February of
9 2018. In February 2019, the D.E.C. issued an order
10 of consent to the Dunn Landfill for inspection
11 violations, during October 2018.

12 In June 2019 and D.E.C. issued an
13 order of consent to the Dunn Landfill for inspection
14 violations during the April 2019. In 2021 D.E.C.
15 fined and imposed a schedule of compliances for dust
16 and control violations.

17 And whereas, on October 10th, 2019,
18 the D.E.C. issued department initiated modifications
19 to include specific -- specific and stringent
20 conditions to protect the public's health and safety
21 that the Dunn Landfill or the Dunn Facility must
22 undertake in order to continue and operate.

23 And whereas, the D.I.M. conditions
24 included installing and operating a robust gas
25 collection system, covering disposed waste daily,

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2 construction and burn from the construction of new
3 and waste cells, the establishment of a hotline and
4 reported complaints.

5 And whereas, the response to the
6 community concerns and to ensure the facility
7 operates within a strict permit condition, the D.E.C.
8 conducted air sampling monitoring in school campus --
9 at the school campus in other nearby locations to
10 measure air quality impact in particles, including
11 measuring levels of hydrogen sulfide.

12 Particulars conduct -- conducts
13 routine inspections and operations at the landfill
14 and requires the facility to fund a full time
15 monitoring provided by daily oversight and landfill
16 operations modified by the facility, permits to
17 improve collections, management of gas, requires
18 cover of the waste on a daily basis in established
19 mandatory complaint investigation protocols.

20 And whereas, this has been and urged
21 in the past that the D.E.C. hold the Dunn Landfill
22 operators responsible for implementing controls to
23 prevent dust, odor, truck noise and so as to ensure
24 that the residents of the City of Rensselaer are not
25 exposed to any potential health and safety hazards.

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2 And recognize that -- that failure of
3 the facility to comply with the D.I.M. who had
4 ensured result in the D.E.C. revulsion of the
5 facility's permit. And whereas, while the actions
6 enacted by the D.E.C. have been responsive to the
7 community concerns and residents of the city of
8 Rensselaer continue to suffer health and safety,
9 environmental, and quality of life risk associated
10 with the contain -- continued and ongoing operation
11 of the Dunn Landfill.

12 And residents have indicated that the
13 -- the responsiveness actions have not resulted in a
14 reduction of the dust, the odor, and the truck
15 traffic and imp -- implicating the quality of life.
16 And whereas, the large C&D waste hauling trucks
17 unable to safely negotiate city streets have severely
18 damaged roadways, sidewalks, and frequently blocked
19 traffic when attempting to navigate turns.

20 And whereas, the P.F.A.s in the group
21 of toxics forever chemicals linked to serious human
22 health effects. And whereas, the public has been
23 advised that in February of 2020, Public Employees
24 for the Environmental Responsibility, PEER, detected
25 eleven different P.F.A.s chemicals adjacent to the

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2 landfill in a Quakendary Creek.

3 In a wet area, just south -- southwest
4 of the landfill and next to the school, potentially
5 exposing the nearby residents and school occupants.
6 And whereas the public has been further advised that
7 millions of gallons of P.F.A.s contained --
8 contaminated leachates are trucked annually to the
9 Albany County Wastewater Treatment Plant in advance
10 and discharged into the Hudson River.

11 And whereas the City of Rensselaer has
12 been designated a potential environmental justice
13 area and has such requirements, enhanced public
14 participation and public notification mechanisms for
15 any adverse environmental impacts.

16 And the Dunn Landfill is too also
17 located within a disadvantaged community. And is
18 subject to the requirements of the climate act and --
19 sorry about that, paper stuck together.

20 And whereas, the Common Council of the
21 City of Rensselaer urges D.E.C. responsible for
22 protecting the public's health and safety and for the
23 protection of natural resources, determine that the
24 Dunn renewal are subject to full environmental review
25 which will demonstrate that the need to deny the

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2 Dunn's renewal application, and be it further
3 resolved that the Common Council directs the City
4 Clerk to send a certified copy of this resolution to
5 the Governor of the State of New York, the
6 Commissioner Department of Environmental Conservation
7 and the D.E.C. regional director's office at D.E.C.,
8 regional permit administrator.

9 That's it for the Common Council.
10 Thank you very much on that. I would also say that I
11 have another letter that I won't read. Other than
12 that, let you know that and I'll submit it to the
13 table from a -- residents, Patricia Phelps, and her
14 husband, who -- who have an objection to the D.E.C.
15 landfill being opened as well.

16 And an email they sent for me this
17 today. They're elderly and they could not get out.
18 So they asked me to submit it to you. And I will do
19 that as well. Thank you for your time.

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

21 [Applause] Thank you very much.

22 MR. STAMMEL: That's already been sent
23 but -- and this should be already circulated. Thank
24 you.

25 A.L.J. MCBRIDE: Thank you very much.

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2 And our next speaker is Tom Grant.

3 MR. GRANT: Thank you for giving us
4 the opportunity to speak here today. I am Tom Grant.
5 I'm a member of the Rensselaer County Legislature. I
6 represent the towns of East Greenbush, North
7 Greenbush, and Poestenkill. My family and I live in
8 East Greenbush, just right up the road here.

9 The Rensselaer County Legislature has
10 passed many resolutions over the past year -- few
11 years urging the closure of the Dunn Mine and S&D
12 Facility for many of the health reasons already
13 enumerated - enumerated and the legislature, I
14 anticipate will continue to write and pass
15 resolutions urging the closure of the site whenever
16 they can.

17 It's an important issue. It affects
18 all of us. Not just people, although it's important
19 to emphasize the people who live in Rensselaer, but
20 the people who live in the surrounding towns, looking
21 at the prevailing winds.

22 East Greenbush is certainly affected.
23 We have facilities where there's a lot of dust
24 blowing from East Greenbush, although it has gotten a
25 little bit better over in previous years, but there

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2 are still issues with odor and there are concerns
3 with safety of people, both short term health-wise
4 and long term -- term health-wise.

5 Thank you so much for giving us the
6 opportunity to speak. Take care.

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

8 [Applause] Our next speaker is Dave Ellis. And I'll
9 remind anyone who's making comment. If you're
10 representing a group, please make sure you tell us
11 which group you're representing and state your name
12 when you begin your comments, please, thank you.

13 MR. ELLIS: Dave Ellis, Rensselaer. I
14 just want to talk about my personal experience with
15 the landfill as well as the impact it has on our
16 community and the students here at the Rensselaer
17 City School District campus.

18 So on June 7th, 2017, I called the
19 Rensselaer police dispatch at eight fifty-nine p.m.,
20 to report a strong odor of rotten eggs. The smell
21 was extremely unbearable and my eyes were stinging.
22 Dispatchers page for the fire department to respond
23 and investigate.

24 When the fire department arrived, the
25 responding firefighters could smell the strong odor

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2 in the air. They began to walk up and down the
3 street with their lights as well as gas detection
4 devices. There were no readings of high gases near
5 any of the sewer drains. There were also no reported
6 natural gas leaks in the area.

7 Firefighters were not able to
8 determine where the odor was coming from. But
9 numerous other residents in that same vicinity had
10 reported the same odor that evening. So here's a
11 little bit of a background. That's my experience.

12 But a background here the students
13 that attend this school. This is from the school
14 report -- report card data from New York State. The
15 district has a total student enrollment of one
16 thousand two hundred and twelve students.

17 Five hundred and eighty students or
18 sixty-one percent of the student body in the
19 Rensselaer City School District are economically
20 disadvantaged. And as you heard the mayor say, this
21 is a disadvantaged community.

22 We don't have the wealthiest people
23 that live here, many of these properties are rental
24 properties. They're not homeowner-occupied, you
25 know, people might be working numerous jobs to pay

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2 their bills. They don't have time to attend these
3 meetings.

4 And it goes to show the same with our
5 students here in the school district. You know,
6 seventy-three-and-a-half percent of students here in
7 the school district are eligible to receive free or
8 reduced price lunching.

9 And again, this is all data from the
10 State report card for the school district. Two
11 hundred and twelve students, I believe, it might be a
12 little higher because you also have the account for
13 the Questar. And I'm not sure if that's part of
14 this.

15 But seventeen-and-a-half percent of
16 students in Rensselaer School District have
17 disabilities. These children are impacted by this
18 dump more than anybody knows. They are grinding
19 noises out their windows, they hear beeping sounds
20 from the trucks backing up. They see the dirt piling
21 up and billowing out in the landfill property.

22 And even the D.E.C. Commissioner has
23 seen that in the past himself. So let's take all
24 that and wrap it together. Rensselaer School
25 District in 2019, three dates, two in the same week,

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2 severe odors entered the school building.

3 October 22nd, 2019, October 25th,
4 2019, and October 30th, 2019. And what does the Dunn
5 Landfill do? Alls they do is send out flyers, saying
6 how brilliant of a company they are in our community.
7 They donate thousands of dollars to the local
8 community, to the sports activities, to the school
9 district, you know what that is folks, that's payoff.

10 They're in people's pockets, okay, so
11 that they remain silent. And that's not okay. It
12 does no justice for the people of Rensselaer who are
13 suffering from the landfill, the stench on a daily
14 basis. I had a call to hotline last night.

15 I don't know what it is, but it seems
16 like around this time of year, you know, it gets
17 cooler in the evening time after it's been hot all
18 day, especially going into fall. That's when the
19 dump stinks the most, you get that rotten egg smell
20 just blowing across.

21 You have your air conditioner on and
22 it's coming through into your bedroom window, you
23 know, and some of these, I'm not going to read all
24 these because there's quite a bit. But I printed an
25 entire sheet from those dates in October 2019, when

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2 the odors were so severe at the school.

3 There's dozens and dozens of
4 complaints that people had reported on itstinks.org
5 that, you know, D.E.C. try to say people could remain
6 anonymous so they wouldn't accept it as an official
7 way of reporting. But October 22nd, eight fifty-one
8 a.m., gross smell at school today.

9 Nine thirteen a.m., it's awful today,
10 my eyes are burning. Nine eighteen a.m., there's a
11 very strong and horrible smell inside the school
12 building, it hurts my nose and throat. One thirty
13 p.m., strong smell of rotten eggs at elementary
14 school entrance gave me a headache. Two fifty-six
15 p.m., these kids are going to get sick.

16 Let's see. That's some of the
17 comments from October 22nd, we got October 25th,
18 strong odor of sulfur and rotten egg odors within
19 elementary school this morning, ten forty-four a.m.
20 October 25th, eleven twenty-three a.m., extremely
21 strong odor at the school. I saw a child gagging.

22 Three zero eight p.m., October 25th,
23 staff are worried for the safety of children and
24 themselves. People in the building are afraid to
25 talk, three sixteen p.m., my daughter came home from

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2 school telling me the school smelled so bad today, it
3 was worse than rotten eggs and that her teacher had
4 to spray a lot of the classrooms down because the
5 smell was so bad and the kids kept complaining of it.
6 This is not okay.

7 And I agree with that parent. This is
8 not okay, this landfill next to a school is not okay.
9 It was a severe mis oversight, approving a landfill
10 next to existing school. The school opened in 2007,
11 the landfill did not open until 2015.

12 So it goes to show. It's about -- a
13 lot about politics. And it's not about the people in
14 this community who are suffering, the poor people who
15 can't defend themselves. Thank you.

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

17 [Applause] Our next speaker is Victor Batorsky.

18 MR. BATORSKY: Can everyone hear me?

19 ALL: Yes.

20 MR. BATORSKY: I'm Victor Batorsky,
21 City Historian, whereas the citizens of Rensselaer,
22 have never been unable to vote for or against the
23 franchise in compliance with protocols of home rule.
24 Therefore, I hear call for a public vote on
25 continuation of the operations of the Dunn debris

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2 facility. Without a popular -- popular referendum,
3 the City Council granted the franchise to Dunn in
4 these words, and I quote, The first amendment to the
5 franchise agreement made November 18th, 2015, whereas
6 the City of Rensselaer and S.A. Dunn executed and
7 delivered a certain franchise agreement, dated August
8 12th, 2009, in which S.A. Dunn received a franchise
9 from the city to -- to mine and place construction
10 spoils and materials on the property of the city as
11 described in the agreement, the city property.

12 Whereas, S.A. Dunn represents and
13 warrants that it has received all permits and
14 approvals necessary and required to mine and place
15 construction spoils and materials on the city
16 property and is currently operating such franchise in
17 compliance with the requirements of the permits and -
18 - and approvals, et cetera and so forth.

19 A required public hearing is now
20 undertaken on permits and approvals as stated in
21 notice and it repeats what was written above. The
22 Dunn Mine and C&D Landfill currently has two permit
23 applications pending before the New York State
24 Department of Environmental Conservation, D.E.C, for
25 renewal and modification of the facility's Mined Land

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2 Reclamation permit and Solid Waste Management
3 Facility permit D.E.C. I.D. number four dash three
4 eight nine nine dash zero zero zero zero eight.
5 These applications have been determined to be
6 complete, unquote. Sound familiar?

7 However, the City Council's resolution
8 of August 12th, 2009 preempted the citizen's right to
9 debate and vote on the franchise. This is not a
10 hand-tying contract. After mature deliberation and
11 for many urgent reasons, we, the people are resolved
12 that until the citizens of Rensselaer have had ninety
13 days to review the application, initiate public
14 debate of the application and continuation of
15 operations, establish a Citizen Advisory Council, and
16 implement the referendum vote open to all registered
17 voters, D.E.C. shall not renew or further consider
18 the application.

19 And that order and shall -- and shall
20 order that the suspension -- and shall order the
21 suspension of operations. All in favor raise your
22 hand and say aye.

23 ALL: Aye.

24 MR. BATORSKY: All opposed leave the
25 room. Thank you very much.

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

3 [Applause] I don't know, yeah, I'm going to switch
4 mics, just give us one second. Okay. Our next
5 speaker is Robert Welton.

6 MR. WELTON: Hello, my name is Bob
7 Welton. I'm with the Rensselaer Environmental
8 Coalition and I have a prepared statement. And so
9 I'm just going to go through that and maybe I'll have
10 some other comments too if you give me the time.

11 So I'm opposed to the renewal of the
12 landfill. The original permit review neglected the
13 location of the school as an issue and use sand and
14 gravel truck information as justification for the
15 impact of the tractor trailer trucks on the
16 community.

17 This information, analysis of this
18 information was provided to your agency in detail by
19 the coalition in May of 2022, it's got everything
20 that you need to know about what was wrong with the
21 permit. There has never been any justification for
22 this location next to the school.

23 None, it's never happened. It's never
24 been done. D.E.C. simply accepted Dunn's application
25 saying there is no issue. It was never tested. And

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2 today, I emailed to your special email, that
3 Environmental Protection Agency has a school site
4 selection standard.

5 It's got all kinds of information, I
6 read it. And I'm telling you right now, the E.P.A.
7 would have never approved this in a million years.
8 So it's something that you can kind of take a look
9 at. The permit approval was extended in two nineteen
10 -- 2019, without public input and it is what is used
11 today to allow the landfill to operate.

12 The current opportunity provided for
13 public input and written documentation is the first
14 time ever that I am aware of the D.E.C. can make
15 judgments without dispute by the applicant being the
16 first consideration of your agency.

17 The berm is the only change applied
18 for by the landfill. This concept of approved is one
19 that will become an air chute allowing the bad air
20 from the landfill to go on top of the school and be
21 mixed with the bad air coming off I-90 on the
22 opposite side of the school.

23 Being allowed to operate on a flawed
24 original approval for eight-and-a-half years needs to
25 be addressed in detail now. A full environmental

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2 review -- excuse me, review of the entire operation
3 and its impact on the surrounding communities and
4 most especially the school community, as well as, a
5 review of the original application and the review
6 process is a clear answer to this extremely unfair
7 situation.

8 The Rensselaer Environmental
9 Coalition, the Albany chapter of the Sierra Club,
10 Riverkeeper, the Rensselaer Common Council, the
11 Rensselaer County Legislature, the town of East
12 Greenbush. And most --.

13 A.L.J. MCBRIDE: I'm sorry, can I
14 interrupt you for one second?

15 MR. WELTON: Yes.

16 A.L.J. MCBRIDE: Your paper is
17 blocking the microphone in front of you, just --

18 MR. WELTON: I'm sorry.

19 A.L.J. MCBRIDE: No, that's fine. Go
20 right ahead.

21 MR. WELTON: Okay. The Rensselaer
22 County Legislature, the Town of East Greenbush and
23 especially the Rensselaer City School Community
24 composed of the administration, the school board, the
25 parent, and union representatives, as well as, ever -

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2 - several other community members and several other
3 groups have called for this permit to be denied.

4 Extensive documentation has been
5 provided previously concerning the original approval
6 process and the current impact on the people.
7 Environmental Justice procedures have also provided
8 community concerns. The Albany Times Union editorial
9 board and reporters have advocated for the closure of
10 the landfill.

11 We expect answers to all the previous
12 document -- documentation, not just what was provided
13 during this current review window. We have been told
14 all that information will be considered by your
15 agency. The disadvantaged communities data -- excuse
16 me, for their two census tracts in the city of
17 Rensselaer, as well as the mobile air monitoring data
18 provided by a claimant demonstrate that there is not
19 clean air and a healthful environment for the people
20 and by extension, the kids in the school community
21 from those areas.

22 The landfill operations only make
23 these problems worse. The State constitution gives
24 the people rights to clean air, water and to live in
25 a healthful environment. It is D.E.C.'s

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2 responsibility to protect the environmental rights of
3 the people. The agency must be proactive for the
4 people.

5 We the people can't have those rights
6 protected without your intervention. You must know
7 that this poor city and the community groups such as
8 ours, don't have the resources for high price experts
9 to counter the arguments of the multibillion dollar
10 corporation Waste Connections.

11 Your ultimate process is stacked
12 against people like us. If you don't find a way to
13 protect the people, then this textbook case for
14 environmental justice will become a clearcut example
15 of the Hochul administration not acting to protect
16 people's rights.

17 Disapproval of the permit will help to
18 restore the rights of the people. Thank you.

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

20 [Applause]. Our next speaker is Nanci Hicks. And
21 Mr. Welton, if you'd like to give us what you read
22 from that might help the court reporter.

23 MR. WELTON: Do you want the unsigned
24 one?

25 A.L.J. MCBRIDE: That's fine.

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2 MR. WELTON: I can give her that.

3 A.L.J. MCBRIDE: She'll just be using
4 it in case she can't hear something, so thank you.

5 MS. HICKS: My name is Nanci Hicks and
6 I worry about the people on Broadway and Partition
7 Street, the quality of life has been taken away with
8 the dust, the noise, the heavy traffic, they could
9 have cracked foundations and I also worry about, I
10 hope they got a good road bond in case the sewer and
11 water pipes burst that's going to be a whole lot
12 more. Thank you.

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

14 [Applause] Joseph Kardash.

15 MR. KARDASH: Hello, my name is Joe
16 Kardash. I'm the Superintendent here at Rensselaer
17 City School District. When the renewal process began
18 last year, we were asked for input on this process.

19 The school district, the Board of
20 Education, the Union Representatives and our P.T.A.
21 all agreed to the following message. In 2012, the
22 Department of Environmental Conservation approved an
23 operating permit for a construction and demolition
24 landfill in the location directly adjacent to the
25 Rensselaer City School District.

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2 This extraordinary situation was
3 approved with little evidence at the time that the
4 true impact and proximity to the educational facility
5 was properly assessed. The adjacent schools should
6 have been a key issue in this decision.

7 It was not; mistakes were clearly made
8 a decade ago. Over the past five years, students,
9 and staff at Rensselaer City School District and in
10 the Questar III Rensselaer Academy have been impacted
11 by this remarkable situation.

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

20 The frequency of these violations has
21 been reduced through actions of your department
22 corrective act through the actions of your
23 department. Corrective actions, however, will never
24 change the fact that this landfill is located
25 directly next door to a school. The location just

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2 doesn't make sense on any level.

3 A permit renewal would allow for a
4 continuation of landfill operations, including the
5 property nearest to the school in the coming years.
6 The likelihood of further impact from violations will
7 be increased again, as the activity moves closer; it
8 will happen.

9 Renewal would represent a clear
10 indication that despite all knowledge and evidence,
11 the inevitable impact to students, staff and
12 community would not be considered of importance.
13 While Rensselaer is not considered an affluent
14 community, it still deserves the highest level of
15 government protection.

16 This situation is a perfect example of
17 why environmental justice zones were created and
18 portions of Rensselaer now have that designation.
19 Throughout the past few years, many voices have been
20 heard.

21 Sometimes the voices have
22 unfortunately been portrayed as for or against the
23 landfill. Make no mistake, that is not the case.
24 The voices of Rensselaer have continually been close
25 the facility immediately or please don't renew the

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2 permit.

3 In the next -- this letter was written
4 last year. So this next part is -- was relevant to
5 last year and the next few months. You will see that
6 one voice will emerge clearly asking the department
7 not to renew the permit.

8 I believe that that one voice was
9 pretty clear last year and probably will be today.
10 The Rensselaer City School District community and all
11 signatories below oppose the renewal of the operating
12 permit of the Dunn construction and demolition
13 landfill in Rensselaer, New York.

14 Now is the time to correct the
15 mistakes that were made a decade ago. Twenty years
16 from now, people will be studying this extraordinary
17 situation. The question will be asked, did they
18 learn from the mistakes of 2012 or the mistakes of
19 other facilities, when the permit renewal was
20 considered.

21 How do you want history to be written?
22 Thank you very much for your time. I resubmit the
23 same letter that we gave you last year.

24 A.L.J. MCBRIDE: Thank you, Mr.
25 Kardash. [Applause] Thank you very much. Our next

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2 speaker is Pam Van Wie.

3 MS. VAN WIE: Hello, everybody, my
4 name is Pam Van Wie. I own a home on 941 6th Street,
5 which is right off of Partition Street. I also am a
6 senior citizen who lives at St. Franciscan Community
7 Senior Center. I personally have C.O.P.D., I've had
8 a terrible, terrible time this year with allergies,
9 my breathing, my lungs.

10 Now, I can't say it's just because of
11 the dump. But there's been a lot of poor air control
12 quality with the fires coming in from Canada, a lot
13 of other things, the allergies themselves have been
14 really bad. But I'm sure that everything that's
15 happening at the dump is not helping.

16 And especially for senior citizens,
17 especially for the child, my grandchild who goes to
18 the school. And I worry every day that she's going
19 to have more and more problems as she gets older. I
20 also -- Partition Street is the -- the street, the
21 only street to get to my house.

22 Because of all of the trucks and all
23 of the things that have been happening, they have to
24 repair some of the parts of the street. Basically,
25 where the canal, the little creek that goes

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2 underneath it has now had to be, they're reworking it
3 and trying to fix that because of the large trucks
4 that go back and forth.

5 I have a friend, a senior citizen who
6 also walks all over the place in Rensselaer. And she
7 has consistently told me how many, many of the trucks
8 have Massachusetts license plates, Connecticut
9 license plates, not just the County of Rensselaer or
10 even Albany.

11 This is from all over the place.
12 These large trucks are coming and dumping it in our
13 city. I'm against the approval of this renewable or
14 whatever it's called. I don't have a lot of facts
15 and figures in front of me.

16 I just have and I'm speaking from my
17 heart we need help, the citizens of Rensselaer, our
18 children, our senior citizens, everyone, we need help
19 that this gets cancelled, closed, and not done again.
20 Thank you.

21 A.L.J. MCBRIDE: Thank you.
22 [Applause] Our next speaker is Mary Dugan. Mary
23 Dugan.

24 MS. DUGAN: Good afternoon, Mary
25 Dugan, East Greenbush. While I -- while I thank you

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2 for finally providing our neighborhoods and
3 communities an important permit public hearing about
4 an eight-year-old landfill that was allowed to
5 operate with a very flawed permit right from the
6 beginning.

7 I do have concern about this public
8 hearing besides it being too little, too late. My
9 concern is it's in the middle of summer, literally
10 the middle of summer when many people are away.
11 Especially important if the public hearing attendance
12 and the written comment matters so much in the D.E.C.
13 approval process.

14 In fact, the last permit public
15 hearing was held on June 14th with Dunn itself. They
16 promised unfilled a second hearing in late July or
17 early fall. I don't believe this ever happened. As
18 far as Dunn's answers to public questions dated
19 August 26th and reported on the D.E.C. website.

20 Well, let's just say they have an
21 answer, acceptable or not for everything. For
22 example, question. Has S.A. Dunn investigated any
23 changes in cancer rates since the facility opened.
24 Answer. S.A. Dunn has not impacted cancer rates.

25 Recent monitoring and sampling do not

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2 indicate that the Dunn Facility is capable of causing
3 long term health effects. Dunn didn't say it
4 investigated cancer rates and how does anyone know
5 what's going to happen in the long term, not an
6 acceptable answer.

7 Dunn has always proved to be -- I'm
8 sorry. Dunn has always proved to have the potential
9 disproportionately burden a disadvantaged community.
10 Does D.E.C. really believe a berm is going to solve
11 all the problems?

12 Construction of said berm will only
13 take place in summer, supposedly to help decrease
14 problems for the children during the school year.
15 Well, what about all the people, children, and
16 adults, who are outside during summer.

17 Won't the additional dust, noise, odor
18 of construction affect us. Supposedly, con --
19 construction causing problems will be limited by Dunn
20 using the landfill material to build the berm. But
21 here are the qualifiers, to the extent practicable
22 based on site conditions and yield.

23 And also don't forget, permanent
24 alteration is just unavoidable. Will D.E.C. explain
25 how these excuses are acceptable enough for a new

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2 permit. Speaking of new permits, is this a new
3 permit, permit modification or what?

4 With all the proven problems shouldn't
5 have Dunn have applied for a new permit? This berm
6 is supposed to provide relief from visual and odor
7 problems. But the proposed berm will range twenty to
8 fifty-five feet. I guess, they don't have to be
9 specific and cover five point two acres.

10 That's like a three floor building
11 with ceiling heights of fourteen feet. A Times Union
12 article dated May 30th, 2023, in which Fiddlers Lane
13 neighbors at a north county planning board meeting
14 protested trucks, using their little street for
15 construction at Siena College.

16 One woman explained she just didn't
17 want to experience twenty trucks a day, driving past
18 her house. This is her words, the stink will linger,
19 fumes and particles go right through a filtering
20 system and deep into your lungs.

21 And even though the project will end,
22 she continued, you just can't pollute people around
23 you for an entire summer. The north county planning
24 board did not grant Siena College approval for using
25 Fiddlers Lane.

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2 Will the D.E.C. allow Dunn to continue
3 to pollute our neighbors and our neighborhoods or
4 will environmental justice prevail? [Applause]

5 A.L.J. MCBRIDE: Our next speaker is
6 Christine Kielb.

7 MS. KIELB: Thank you. My name is
8 Chris Kielb and I'm a member of the Rensselaer
9 Environmental Coalition. And I live in Menands, New
10 York. I'm a frequent visitor to Partition Street in
11 Rensselaer, which is ground zero for the truck
12 traffic.

13 The original permitting process was
14 filled with misstatements of fact by the applicant
15 Dunn in response to comments from concerned
16 residents. These misstatements include the
17 following. That this landfill would not have a
18 significant impact on the community.

19 That the landfill would not be near
20 the school. That the nature of the landfill truck
21 traffic would not be significantly different than
22 before and therefore the old, a hundred truck per day
23 maximum would still apply.

24 This maximum was based on an old,
25 outdated traffic study that did not include giant

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2 long haul trucks. It is obvious that these
3 statements are false and D.E.C. should have
4 challenged them, but they didn't. And they ended up
5 in the final environmental impact statement that was
6 unconscionable.

7 To illustrate how deficient the 2012
8 permitting process was with regard to the trucks, I
9 want to make the following points. As we -- most of
10 us know, each weekday up to a hundred long haul
11 diesel trucks and dump trucks roar through
12 residential and small business neighborhoods, up and
13 down steep hills in the City of Rensselaer.

14 One doesn't have to use a noise meter
15 to know that the noise from these trucks is
16 insufferable and the smell of diesel exhaust often
17 hangs in the air as they go by. A noise study
18 referenced in 2012 only looked at noise near the
19 landfill footprint and not in the populated area of
20 Partition Street and Broadway and diesel exhaust was
21 not mentioned at all in the original permit.

22 Besides presenting substantial quality
23 of life issues, noise and diesel exhaust are
24 significant public health hazards. Numerous studies
25 have found that serious health effects were

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2 associated with both loud chronic noise and diesel
3 exhaust. We don't need a local study here to prove
4 that.

5 Additionally, dust of unknown
6 composition is trucked out of the landfill by the
7 trucks. The machine that's supposed to clean the
8 street, dry brushes it and it becomes airborne and it
9 contaminates the properties along the route.

10 Finally, vibrations from the trucks
11 shake the foundations of many homes, disrupting daily
12 life and possibly damaging the structures. It is
13 obvious that the presence of these trucks has
14 severely affected residents' quality of life. And
15 there is no fix for it because this truck route is
16 the only way in and out of the landfill.

17 We don't want the fatally flawed
18 process that took place in 2012 to be repeated again
19 now. At the very least, D.E.C. must treat the
20 application as new as it said it would in writing
21 last year. They must also conduct a full
22 environmental review with correction of the mistakes
23 made in the original permitting process.

24 This review must take into account the
25 multiple impacts that people are experiencing that

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2 were not quote, unquote, anticipated in 2012. It
3 should not just be about the building of a berm.

4 But ultimately the landfill should be
5 closed. The location is terrible. It's in a heavily
6 populated area next to a school with only one way in
7 and out for the landfill trucks through people's
8 residential neighborhoods. Thank you.

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

10 [Applause] Wendy Dwyer.

11 MS. DWYER: Thank you very much.

12 MS. DWYER: My name is Wendy Dwyer. I
13 am a resident of Columbia County. I'm a retired
14 registered nurse of many, many decades. I'm here
15 with multiple concerns, which I will present most of
16 this evening when I have been able to get them
17 printed. I don't have a printer.

18 I have concerns that many people will
19 not be heard, for many reasons. Was everyone
20 notified? The most recent census revealed an
21 increase in non-English primary language speakers in
22 this city, and an increase in persons of Asian
23 descent.

24 I spoke with some people who are
25 involved with the community to be sure the community

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2 knows about this filthy high risk C.D. Landfill in
3 the middle of this small city as their children
4 attend or will attend the school and traverse city
5 streets.

6 I was advised -- advised as I
7 suspected that if people in the community know they
8 cannot be expected to speak out, it is unlikely they
9 will speak out and many may be afraid for numerous
10 ref -- reasons. Some may be refugees and have had
11 terrible things in their past.

12 I live in Columbia County, so you may
13 wonder why I care. Well, I care about the planet,
14 the air, the water, the soil, the voiceless creatures
15 who get no vote -- no voice in what's done to them.
16 They may drink from puddles, would you? Or the
17 Quackenderry Creek, would you?

18 That said, it is important to note
19 that the Questar BOCES School system, which serves
20 three counties, Rensselaer, Columbia my county, and
21 Greene County is serviced by the Rensselaer K through
22 twelve school site. The students from BOCES
23 classrooms are closest to the landfill.

24 Do the parents of the BOCES students
25 who may not live in Rensselaer know this? I recently

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2 heard a program discovering the decrease in
3 newspapers nationwide due to decreased readership
4 with more and more Americans sourcing their news from
5 the internet. If they get news, do they know about
6 this? Are they following it?

7 In Rensselaer, I've had the privilege
8 to go door to door to speak with residents about the
9 landfill in the past. Many did speak with me, only
10 one person disputed my concerns, and I must say he
11 was a bit irrational.

12 All other persons I spoke with detest
13 this landfill. One gentleman told me how they fought
14 to prevent it in the first place and fought since.
15 And he said he has given up. I heard this over and
16 over, hopelessness.

17 Many residents I met were quite
18 elderly and with limited mo-- mobility. My oldest
19 friend lives near the funeral home and has survived
20 cancer. Her husband said vehicles are constantly
21 covered with strange filth.

22 So much of the demographic here in
23 Rensselaer is not able to show up for the fight or
24 has given up. How wonderful for Waste Connections.
25 I would like you to search Woodlands, Texas. The

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2 home of Waste Connections. The median income is a
3 hundred and four thousand seven hundred dollars
4 approximately.

5 On Google Earth, the school site in
6 Woodlands, Texas is surrounded by greenery, sports
7 fields. A further search of where the closest
8 landfill is, I have forgotten exactly where, but
9 nowhere near this privileged, wealthy town.

10 On March 14th, 2022 at ten o'clock in
11 the morning, a Monday, after a weekend of snow, I
12 went up the road between the landfill and the Holy
13 Sepulcher Cemetery. It was sickening to see. I
14 stepped down in the snow. Here's my footprint, and I
15 have quite a few pictures I took that day.

16 My footprint is layers of filth into
17 the clean snow. The stones in the cemetery where my
18 friend's daughter is buried had eerie shadows, it
19 seemed. But what it was, was filth that the -- the
20 stones had stopped the filth in certain areas, so it
21 was white surrounded by filth covering the snow,
22 already ten o'clock on a Monday morning. I'm sorry,
23 I haven't showed these to you.

24 A.L.J. MCBRIDE: Oh, I could see them.
25 Yeah.

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2 MS. DWYER: Okay.

3 A.L.J. MCBRIDE: I could see them.

4 Thank you.

5 MS. DWYER: Here's along the fence.

6 Higher up near the fence, there was a strange green
7 filth that I couldn't figure out is if it was moss or
8 something. And the mistake I made that day was I
9 didn't call the D.E.C. immediately.

10 I pondered it. I had got a bunch of
11 containers out of my car and I took a bunch of
12 samples because I'm a nurse and we do these things.
13 I called the D.E.C. a few days later, and Jonathan
14 Whitcombe came up to the site, but unfortunately the
15 snow had melt -- mostly melted.

16 But he told me that that green filth I
17 was seeing was deteriorated plastic mesh that the
18 dump had put down to try to contain the blowing stuff
19 that goes everywhere, like to my friend's car a
20 couple miles away. I suspect.

21 Well, we all know plastic when it is
22 exposed to sun deteriorates, so it's pretty likely
23 everybody's breathing in microplastic with everything
24 else, which will not dissolve in your lungs. It'll
25 just get stuck in your airspaces.

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2 Anyway, I took some of this filth that
3 I had taken to a independent lab and out of my own
4 pocket, and I'm not wealthy, I spent over two hundred
5 dollars to have one sample tested because it was
6 hundreds of dollars per each thing.

7 And some of the things I really
8 would've liked to test it for like PFAS chemicals,
9 forever chemicals were too expensive. Anyway, the
10 samples weren't healthy, helpful. And Jonathan
11 informed me anyway that the D.E.C. wouldn't accept
12 them because even though I took pictures with the
13 date as I was taking the samples, they didn't take
14 them.

15 It's pretty sad that the citizens of
16 this State have to try to do their own science and
17 pay for it out of pocket to try to make a healthy
18 environment for the children and the other speakers -
19 - species. Anyway, I know I have to wind up.

20 But the snow told an important story
21 that day. One picture does speak a thousand words.
22 Shut it down are the three that I say. Lastly, and
23 I'll have the rest of my comment tonight. I just
24 want to say that Rensselaer, where I spent a lot of
25 time when I was young because my boyfriend's family

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2 lived on Partition Street, is a lovely place.

3 I mean, it's situated next to the
4 river. It has public transportation. You can get to
5 so many great places. This should be a thriving
6 city. It -- it's just such a great place and it was
7 wonderful back then.

8 And it should not be being assaulted
9 by a wealthy corporation that doesn't care about
10 anybody or anything. And if you don't care about
11 little children, that's pretty sad. [Applause]

12 A.L.J. MCBRIDE: Thank you. Miles
13 Dandy.

14 MS. DANDY: Good afternoon. My name
15 is Miles. I live on Partition Street. Did not know
16 a year ago when I bought my first house that I was
17 moving into such a hot zone, shall we say. Sad that
18 my disabled neighbor, who was born in the house he
19 lives in can no longer shut his windows, because the
20 trucks have shifted the foundation, so he's breathing
21 year-round. Everything that's coming in, everything
22 that I'm wiping off of my vehicle.

23 My neighbor across the street had
24 their foundations redone three years ago. That's
25 done. It's all crooked now. They don't even live

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2 directly on Partition Street. I'm right there. It's
3 horrifying. I thought the house wasn't selling
4 because of the river's recovery. The repo guys
5 behind it. Nah, it's the trucks.

6 And I always thought this was going to
7 be my last house. And now I don't know because I
8 don't feel safe. I have asthma. I've survived
9 cancer. My breathing's not good and I can never open
10 the windows, which stinks because I love fresh air.

11 I love light, but I keep everything
12 shut, sealed because I don't -- I see what it is and
13 it's -- Rensselaer is lovely. I don't view it as
14 impoverished. I don't view it as depressed. I view
15 it as thriving. Coming back, trying to, you know,
16 plant its foot.

17 And how this all happened, I wasn't
18 here when the dump opened, but it feels dirty. It
19 feels like a lot of things were covered over. It
20 reminds me of all the documentaries I'm watching on
21 Chernobyl where they knew this was going to happen,
22 and they just kept going.

23 And they knew they weren't set up to
24 deal with a catastrophe and they just kept going. We
25 don't want to be remembered like that. We don't want

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2 to be known as having this shining dump on a hill
3 symbolizing our city.

4 We have history here. We have other
5 things that make our home nice. Yes, we lost an
6 ALDI. That's horrible. But I'd like to know that
7 I'm not going to die from lung issues in my home if
8 at all possible. Thank you for your time.

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

10 [Applause] Jason Wasulo.

11 MR. WASULO: Hello, my name's Jason
12 Wasulo. I lived in the city my whole life. I live
13 on 818 7th Street. I'm the owner of Wasulo
14 Remodeling. That's like adjacent to the Dunn
15 Landfill. And the whole time I've lived there, I
16 have five children I'm raising in the city.

17 I took and built this addition on my
18 house, and then I'm getting all this excessive water
19 coming into my foundation, and then it's filled up my
20 whole basement all the way up to the floor joists.
21 So I started like, got a permit to start digging it.

22 And then I had planned taking that
23 engineer drop plans to haul the dirt up to the top of
24 the hill because I own this 111 Harrison Ave
25 property. So I'm bringing all the dirt up to the top

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2 of the hill, like trying to build this addition.

3 And then I start like getting all this
4 excessive water coming down. And it's just like
5 nonstop. Like it'd be like sunny for like two, three
6 weeks and I'm getting constant water still flowing
7 down through the hill.

8 And it's like they got this leachate
9 system that's up there. You got this huge overflow
10 of all this water because you got this big wash plant
11 going on. And then when I was a younger -- when I
12 was a kid, like I grew up on this hill my whole life.

13 And I remember when they were building
14 that road going up 7th Street, they got this county
15 waterline that's on the left side of the hill that
16 continues up to the top of the hill and I own a
17 property that's up.

18 I bought the property like ten years
19 ago. 111 Harrison Ave. And that county line is on
20 my property. And then it's like a storm drain that's
21 on that side of the road. But then you're getting
22 this, all this saw -- they got the county waterline
23 goes all the way up to the top to these unmetered
24 fire hydrants.

25 And there's rumors that the dump has

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2 been stealing water from them lines. For the -- the
3 whole time they were mining all the sand out of the
4 sandpits for like thirty years. Put the city in a
5 big burden of debt, and now the city's been suffering
6 from this debt.

7 And then the only way to get out of
8 this debt is by opening up this dump, so that way the
9 city can get some kind of revenue. And then it's
10 like now that the Dunn families got them controlled,
11 now they got the city in their pocket.

12 And then you got all this excessive
13 water going up there for this wash plant and all the
14 overflow of the storm -- that's tied into the storm
15 drain, washing out all the land. So it's
16 contaminating all my land. So I had to build this
17 big retaining wall.

18 And then I had an engineer design the
19 plans for it, but the -- I'm getting excessive water
20 so much I had to build like a temporary wall. I had
21 to have hundred and ten barrier blocks delivered up
22 to the top of the hill to try to make this wall.

23 They'll try to hold the hill in and
24 then I'm getting -- and then all of a sudden, like
25 about four years ago, or no, like three years ago,

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2 the whole hill -- the -- knocked down the wall and
3 then now the wall's just like laying down until I get
4 ready to fix it.

5 And then the city took in. They were
6 kind of blocking my permit to try to refix the wall
7 because of like this whole thing that's going on up
8 there with the water. And then there was a big
9 investigation about the water and then the sewer
10 where they got the -- the storm drain that's coming
11 down and it's like when they -- it's washing out the
12 whole road up on top of 111 Harrison Ave.

13 So I brought it to their attention and
14 then they ended up fixing the road last year. And
15 then now the road's washed out again. So now I go to
16 the Common Council again and talk about the road, and
17 I'm trying to request all these plans to redesign the
18 road on how we can make it better, still getting
19 nothing.

20 And then like now the road's still
21 washed out in like, you know, and it's coming from
22 all this excessive water that is bleeding out of the
23 dump. So now, like they raised the grade of this
24 dump so high and it's causing all this excessive
25 hydrostatic pressure and it's bleeding out and it's

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2 washing out all the land all around us.

3 All like I grew up on this land my
4 whole life. And then like all I see when I go in the
5 woods, there's all this land just like rolling up and
6 down, up, and down, all kinds of cliffs just dropping
7 down. And it's -- it is crazy and it's all because
8 of this dump.

9 And now they want to try to build like
10 an -- you know, another berm up there. And then like
11 I heard that like when they first built this
12 landfill, they -- the liner, they damaged the liner
13 when they installed it.

14 When they first -- and then they tried
15 repairing it. And now who knows how that repair
16 went. But still it's contaminating the land and then
17 like -- so like when this permit, it was getting
18 renewed, I guess it got -- I talked to the Common
19 Council and I was like oh, so did the permit get
20 renewed?

21 And they were like no, it got denied.
22 And I was like, so how are the trucks still running?
23 And they're like oh, they're going by the old permit.
24 I was like how can you go by an old permit if the --
25 if it got denied, then they should have stopped right

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2 then and there.

3 But still the city continue to let it
4 go on because they're stuck. Because they need that
5 money, that revenue to bring into the city, you know.
6 So they're stuck. They have to let it go, you know.
7 And like the thing is -- is like I -- I own the movie
8 theater on 3rd Street, and I've been working on
9 trying to remodel it.

10 So I'm trying to make a better place
11 for this community and offer educational,
12 recreational services for the children like that are
13 like on the waiting list to go to the C.E.O., like a
14 free daycare center and like a free movie theater and
15 try to bring something back to the city to make it
16 better, you know, and try to get it going again.

17 And then like I want to make like a
18 little like Yankee Doodle bike shop inside there,
19 like a little mini wall and show all the history and
20 like the stories that happened in the city when it
21 was a thriving city like it used to be.

22 And try to bring this thriving city
23 back, you know. And then I think like, you know, if
24 we get this theater going, like all the kids in every
25 other city, be in this whole city, the whole city be

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2 filled with children, all happy dancing around, then
3 there won't be no room for any trucks to drive
4 around, you know. But that's all I got to say.
5 Thank you.

6 A.L.J. MCBRIDE: Thank you.
7 [Applause] Jonathan Pollack.

8 MR. POLLACK: Hi, I'm Jonathan Pollack
9 from East Greenbush. While Governor Hochul proudly
10 announces her agenda for climate change and attempts
11 to promote economic revitalization in New York State,
12 why has she forsaken the Rensselaer City school
13 children?

14 The children and their teachers
15 experience the ill effects of the -- Dunn landfill on
16 a daily basis. The children are subjected to foul
17 odors, the loud grinding, and B.B.M. construction
18 vehicles and poisonous particulates from construction
19 debris.

20 Children who have learning
21 difficulties are even further impacted by the noise
22 and odors. Apparently, it is only the D.E.C., which
23 tragically permitted the dump to operate in the
24 middle of a city, adjacent to a suburb filled with
25 children, and directly next to a K through twelve

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2 public school, or Governor Hochul who can actually
3 close the Dunn landfill.

4 To add insult to injury, both the
5 D.E.C. and the governor have allowed this toxic
6 monstrosity to continue to operate for over a full
7 year in an environmental justice zone, even after its
8 permit had expired.

9 This construction and debris dump is
10 filled with a mountain of materials from old homes
11 and buildings whose cancer causing chemicals include
12 benzene, beryllium, asbestos, vinyl chloride, and
13 arsenic, and are released into the air and soil.

14 Children who attend the Rensselaer
15 City Schools from kindergarten through high school
16 have been and will continue to be exposed to these
17 materials for thirteen years to these deadly
18 chemicals that could lead to leukemia, lymphoma, and
19 various types of lung, brain, bladder, and liver
20 cancers.

21 A.L.J. MCBRIDE: Okay.

22 MR. POLLACK: Why doesn't Governor
23 Hochul and the D.E.C. close the Dunn landfill? Who
24 in their right minds thinks that locating a toxic
25 dump next to in the heart of a city is a good idea?

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2 Certainly, not the city of Rensselaer, the town of
3 East Greenbush, Rensselaer County, and the Rensselaer
4 City School District, who have all passed formal
5 resolutions demanding its closure.

6 Since the mission statement of the
7 D.E.C. is to quote, unquote, preserve and improve --
8 conserve, improve, and protect New York's natural
9 resources and environment and to prevent abate and
10 control water, land, and air pollution in order to
11 enhance the health, safety, and welfare of the people
12 of the State and their economic and social wellbeing.

13 Can you explain why you are allowing
14 the Dunn dump to continue to operate when it has
15 clearly violated the standards set by your own
16 mission statement?

17 We are appreciative of the fact that
18 the D.E.C. administrative staff have finally agreed
19 to acknowledge and listen to the people most affected
20 by this monstrosity and are hopeful that they will do
21 the right thing, deny the permit, and close this ill-
22 conceived dump forever. Thank you.

23 A.L.J. MCBRIDE: [Applause] Thank
24 you. Thank you. Tenika Wilcox.

25 MS. WILCOX: Hello, my name is Tenika

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2 Wilcox. I live at 1234 4th Street. I moved away
3 years ago when I was -- when I just got out of high
4 school and moved back to Rensselaer, purchased a
5 home, and raised my children here because my family
6 still resides here.

7 I wanted to raise my children in the
8 environment that I was raised in, in Rensselaer. And
9 I wanted my children to be able to go to the school
10 that I went to knowing that it was a family
11 atmosphere, good education system. And so I -- I
12 wanted to raise my kids here.

13 My daughter spent her last years of
14 high school running track, taking in all the fumes
15 from the dump. That is not what I signed up for. I
16 had a hard time sleeping last night wondering what I
17 would say to make you say no to extending your
18 torture on us.

19 All I came up with is that you are
20 like predators who continue to physically and
21 mentally abuse the residents of our city. The people
22 who continue to accept money and remain complicit in
23 this abuse are also predators that prey on our city.

24 So I had questions before I got here
25 today and you said no questions, but I can still say

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2 the questions. Of course, you were not going to
3 answer them. Do you or your family live in
4 Rensselaer? If not, would you ever consider moving
5 here?

6 Because only when things happen
7 personally to the people, do people get involved.
8 Our city already suffers from places to sustain our
9 livelihood and is made up of poor, working class,
10 economically disadvantaged, and the elderly.

11 The people who live here have been
12 here and watched our town go from a town filled with
13 opportunity and growth to a food desert just two
14 weeks ago, and a place where people throw their
15 trash. And you have confirmed as much when you fight
16 us to continue keeping the dump here.

17 There have been studies, letters,
18 complaints, research done on the harm that this dump
19 is having in our community. See, to you this is your
20 job, not your livelihood. I bet you're getting paid
21 right now to come and listen to our concerns and
22 placate us.

23 While you know that you have every
24 intention of keeping us in this volatile
25 relationship. You see, Maya Angelou said it best;

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2 when you know better, you do better. Do better and
3 get rid of the dump. Thank you.

4 A.L.J. MCBRIDE: [Applause]. Thank
5 you. Ginny O'Brien.

6 MS. O'BRIEN: Thank you very much.
7 When I got here today, I wasn't sure if I wanted to
8 say anything. But I put my name down and here I am.
9 You know, I was -- I -- I -- first of all, I'm
10 opposed to the renewal of the permit.

11 I co-chair a group called Rensselaer
12 County Women for Change, and our group, we are
13 opposed to the renewal. As I was driving here -- I
14 live in North Greenbush, and as I was driving here
15 today, I was thinking, what a lovely approach to the
16 school.

17 Its tree lined, its park-like, but
18 what is next to it? It -- it just seems to be in
19 such opposition to the lovely road coming in. There
20 is a landfill that's close to a school. It makes no
21 sense to me for all the reasons we've heard already.

22 Because of the dust, the truck
23 traffic, the odor. All of that, the values to the
24 home, the impact on the residents, but mostly the
25 impact on our children and what their future will be.

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2 I think at this point, we've heard that there've been
3 impacts on their health.

4 And who knows longitudinally what the
5 impacts will be going forward. I -- I can't believe
6 that they would be good. I just think -- Mary Dugan
7 spoke earlier. I don't know if she's still here, but
8 she spoke about what happened in Loudonville, when a
9 couple of protestors said they didn't want those
10 trucks anymore in Loudonville.

11 Well, that zip code is 12211. The
12 Business Review just recognized that as the
13 wealthiest zip code in the capital region. On that
14 list, I did not see the zip code 12144. So just the
15 environmental justice issue. Just smacks of that.

16 We don't want to be known as a Flint,
17 Michigan with water issues, and Hoosick Falls with
18 P.F.O.A.s. We're better than this and I hope that
19 D.E.C. listens to the people. I agree with other
20 speakers that said having a -- you know, a hearing on
21 August 8th, not really the best time.

22 A lot of people are on vacation right
23 now. So I -- but I believe that the group here is
24 all here for the same reason that we are opposed to
25 the landfill. Most of us, I would say, we're done

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2 with Dunn.

3 A.L.J. MCBRIDE: [Applause]. Thank
4 you. Alexandria Johnsen.

5 MS. JOHNSEN: My name is Alexandria
6 Johnsen. I'm a resident at 42 Munger Street and a
7 former resident of 6th Street, Lower Sixth in
8 Rensselaer. I'm a former student. I was in
9 fifth grade when the landfill opened, and I got to
10 watch it grow in size and smell firsthand.

11 When I would go home, we could not
12 open the windows. My mom would be glued to her
13 nebulizer as she gets her asthma. I grew up thinking
14 it was normal for an asthmatic to need one three
15 times a day. In summer, it was near impossible for
16 us to breathe.

17 My family grew up in Rensselaer,
18 several generations. My grandmother would tell us
19 stories of how the creek used to run neon green due
20 to the factory that produced the dyes for felt or for
21 tennis balls.

22 Part of the reason why -- to my
23 understanding, part of the reason why Rensselaer is
24 in environmental justice zone is due to a former
25 landfill located in the hollow. That landfill caught

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2 fire a few times -- at least once.

3 When there is a fire at Dunn due to
4 the explosive gases such as methane and hydrogen
5 sulfide, it will be Rensselaer's mostly volunteer
6 fire department that has to respond to it. It will
7 be Rensselaer, the City of Rensselaer that has to pay
8 for it.

9 In addition to paying for it,
10 responding to that, due to the improper turns onto
11 Broadway off of the Dunn memorial ramp. The sidewalk
12 is crushed. The pavers are crushed. It is
13 Rensselaer that has to pay to repair that.

14 Now, I -- I was lucky enough to go off
15 to college. Whenever my friends and I would exchange
16 what schools we went to, and it got to me, oh, you
17 mean the school next to the dump? I had friends that
18 would talk about running track.

19 They would come back and tell me that
20 their eyes burned. It hurt to breathe. They didn't
21 know why the practice was still going, why the meet
22 was not canceled. I have -- I'm sorry. Do -- the
23 hollow is a basin. The gas sits due to the main wind
24 direction being south to north.

25 I understand why many of the monitors

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2 placed are north and around the landfill, but to my
3 understanding, there are no monitors in the hollow,
4 in that basin where it sits and is concentrated.
5 Hydrogen sulfide can exacerbate neurological
6 conditions and -- endocrine conditions.

7 I went to school and as potentially
8 some of my former classmates and many of the staff
9 members knew, I dealt with seizures. A lot of them,
10 very often, and they grew in frequency as the
11 landfill grew in size. And of course, smell, dust
12 and the like.

13 I was lucky. I'm lucky enough to
14 venture away, farther away. As I travel away, I
15 experience less seizures. I -- I, of course, cannot
16 point to a one-to-one to direct correlation to that
17 being due to loss of proximity.

18 However, it seems quite clear to me.
19 The landfill has shown flagrant disregard for the
20 community and quite frankly, D.E.C.'s environmental
21 laws. They have been cited many, many, many times
22 and violated so many.

23 Several of the dust storm here cause -
24 - are a great cause of concern to me due to the fact
25 that a lot of the waste is pulverized. Meaning we do

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2 not know what's in it. We -- and the particles are
3 so small that they can be -- when they're inhaled,
4 they can be lodged into our lungs.

5 It is known that even decades after
6 the landfill will be closed, landfill gas and
7 leachate will continue to be generated. The sooner
8 that period starts post closure, the better because
9 we -- I just can't. I apologize. I'm sorry.

10 When Dunn hosted an open house in the
11 school's cafeteria in 2018, I got to talk one-on-one
12 with a -- an employee of D.E.C. I cannot recall
13 their name. I asked them, would you send your child
14 here? They simply shook their head no and turned
15 their head away.

16 Turning head -- their head away to the
17 -- is -- what -- Rensselaer cannot afford any longer,
18 to our concerns, our issues, our -- our needs, quite
19 frankly. In 2020, a seven-year-old first grade
20 student was assigned and -- sorry. If I may start
21 over.

22 In 2020, one of our first grade
23 students was asked to depict what their dream for an
24 -- an improved world would be in celebration of
25 Martin Luther King Day. They drew a picture of the

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2 landfill and captioned it, I dream that I would move
3 the dump.

4 While the dump as is, cannot be moved,
5 the best we can do for our children, our residents,
6 and the surrounding communities is to close the
7 landfill and no -- and not renew its per -- its
8 permit. Thank you.

9 A.L.J. MCBRIDE: [Applause]. Thank
10 you. Eugene Fiacco.

11 MS. FIACCO: Hi, my name is Eugene
12 Fiacco. And I work for a small company, E.J.
13 Transport. We do work in Rensselaer County. I do
14 live in Rensselaer County. And I am here to support
15 Waste Connections in any way I can. Thank you.

16 A.L.J. MCBRIDE: That was our last
17 speaker for this afternoon. We will have a second
18 session at six p.m. this evening. If anyone spoke at
19 two and wants to come back this evening, we will call
20 new speakers first.

21 And then if someone wants to make a
22 second comment, they can after we've called new
23 speakers. And I'll remind you that the information
24 for submitting written comments is at our table in
25 the hallway. Thank you.

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2 (Off the record)

3 (The hearing concluded at 3:32 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 69, 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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