

Dear Members of the UCRRA Board,

We wish to commend you for your hard efforts in creating a Local Solid Waste Plan for Ulster County. From our early conversations with professionals, Ulster County and specifically UCRRA is seen as a leader on managing solid waste.

However, in regard to the BioMass section of your document (page 111-112), we request that the board consider a resolution to remove the BioHiTech facility in Ulster County from its plan.

Recently, we have learned about BioHiTech, a “Municipal Solid Waste Processing Facility” with a facility that is now online in West Virginia and another currently under scrutiny in the City of Rensselaer.

The proposed facility in the City of Rensselaer initially called itself a “composting facility” in its Environmental Assessment Form for SEQ. Far from it. As we understand it, this “emerging technology” produces Refuse-derived Fuel (RDF) by first collecting municipal waste. After removing any valuable metals, the plastic and fibers are dried and shredded into confetti. They are then trucked away to cement plants where it is incinerated to supplement coal in creating energy. The remaining waste is dumped in unnamed landfills or garbage incinerators.

With a population of 9300 residents, the City of Rensselaer community is already shouldering four polluting facilities (a nearby massive asphalt receiving facility, the Rensselaer Cogeneration gas-fired power plant, a major Amtrak hub and the Dunn Construction and Demolition debris landfill - situated next to a pre-K to 12 public school - and across the river, Global oil terminal). The proposed BioHiTech facility project, situated near a DEC potential environmental justice area, would be built on top of a capped toxic waste site, the former BASF property, where existing contamination affects the soil, groundwater, and nearby Hudson River. It would accept constant shipments of municipal garbage. Trucks would make about 82 trips in and out of the facility every day, according to the applicant. This would be tragic for Rensselaer.

It is of great concern to us that in UCRRA’s most recent plan, it calls to contract a consulting firm to evaluate the possibility of permitting and constructing a local landfill or a BioHiTech Facility within Ulster County.

In section 7.11 Technology Selection, it says, “..three technologies have been selected to pursue in the 10-year planning period. Feasibility studies for siting a local landfill, installing a BioHiTech (biomass) Facility, and waste exportation by railroad will be conducted”

To be clear, we understand that to date, UCRRA has not included incineration as a solution to municipal solid waste within Ulster County. That’s wise given the history of environmental advocacy here, as the outcry would be fierce. Let it be known that we also do not support Ulster County engaging in incineration anywhere.

On page 74, section 5.2.9 Local Environmental Justice it says,. “Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and

policies. Environmental justice, under the NYSDEC Policy 29 aims to enhance public participation and the review of environmental impacts from proposed construction of facilities in environmental justice communities, and to reduce disproportionate environmental impacts in overburdened communities.”

If UCRRA is indeed concerned about Environmental Justice communities in Ulster County, then it should also be concerned in its role to potentially exploit communities outside of Ulster County, those who would bear the brunt of our shipment of shredded plastics and fiber for incineration. We encourage you to think hard about how you would feel if you and your family were living near an incinerator burning waste in general and then the waste of those from another state.

For all of these reasons, we request that the UCRRA board consider passing a resolution to remove the feasibility study of BioHiTech from its current Local Solid Waste Management plan.

In addition, we hired Neil Seldman from the Institute for Local Self-Reliance to provide us with a memorandum after reviewing UCRRA’s 2011 and 2020 Local Solid Waste Management Plans to outline the pros and cons for Ulster County to review. All incineration plans are stated as “a very bad idea.” He goes on to say that he “will not comment on this very outdated 20th century technology.” Most, if not all of us, are aware of Seldman’s work and hold him in high esteem. We are submitting the memorandum as an attachment to our public comment.

Respectfully,

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Discussion with KingstonCitizens.org Members

I have read the new 10-year Ulster County SWM plan. It contains excellent ideas for the future that should be vigorously pursued. But it lacks specifications as to next steps and detailed implementation steps. Finally, it has very bad ideas that I am surprised such a sophisticated county would even consider given what we know about garbage incineration and mixed waste technology performance and costs.

Excellent Ideas

A public landfill owned by the three GUS counties is a key to a sustainable waste and recycling future. The counties can protect this landfill for generations to come by forbidding out of district waste, locally generated recyclables and compostable and reusable/repairable items. The GUS counties can hire a private contractor to run the landfill, but ownership and control in the public's domain is essential.

A 75-acre compost facility is also a critical component of a sustainable future for the county. Organic matter is the largest component of the waste stream. This material can be managed by several of the technologies identified in the Plan. This facility can serve two purposes: It can reduce overall solid waste management costs as it has done in Seattle.¹ It can earn revenue through tipping fees for clean organics from out of the district and sales of compost products.² Further, the site could

¹ See, Seattle study by Jeff Morris, PhD, Sound Resource Management, 2020, <https://ilsr.org/composting-in-seattle-economic-and-environmental-savings/>

² Prince George's County, MD has successfully developed a site that is earning revenue in this way from outside jurisdictions and private compost hauling companies.

also be available to existing local compost enterprises as they expand in future years.

The County may want to engage with a composting company to market the finished compost products that will be generated. Montgomery County, MD engages the Maryland Environmental Services, a state agency, to market its finished compost.

Need for Implementation Details and Timeline

The Plan is short on details. Example: the Plan properly calls for increased backyard composting which is the ideal zero waste solution. 15% of household generated materials never enter the waste stream. Backyard composting is excellent for teaching children about nature and natural systems --- a gateway to environmental awareness. In Washington, DC households are given up to \$75 to purchase backyard-composting units. Homeowners have to take a short course to acquire knowledge and skills in order to get this incentive. ILSR is the contractor for DC and we can provide detailed workshop lesson plans. Plans could include subsidies for households to start backyard composting.

Resources can be provided for community scale composting and related gardening food production. The Filbert Street Garden in Baltimore, for example developed a compost pad, which in turn allowed it to spin off an organics collection enterprise for households and businesses, which creates jobs for youth.

Similarly funds for school based composting and gardening should be made available. There are many reports on how school based composting reduced costs, reduce nature deficit disorder and stimulate learning.

The report covers the reuse sector very well and the region benefits from several reuse operations including repair cafes, recently documented by local activists and writers John Wackman and Elizabeth Knight.³ Here again details on implementation are needed. In Berkeley, CA the City Council recently decided to provide a service fee to a company for recycling and reuse at their transfer station. Urban Ore now gets \$47 per ton, the equivalent of the cost of landfilling this material.⁴ This is a game changer for recycling and reuse economics. Such incentives should be provided to reuse operations in Ulster County that will help the reuse sector reach full maturity and impact on the waste stream and the economy.

Need to consider additional options

Cities and Counties have been banning single use plastic products. These bans eliminate excessive 'take out' restaurant waste. These laws stimulate new businesses that specialize in reusable food take ware, and also reduce school cafeteria budgets by as much as \$25,000 in the first year of implementation.⁵

Industrial internship programs with recycling, composting, reuse companies for high school and community college students. The industry pays well and has a constant demand for workers. ILSR adage - Students who study garbage will never be unemployed!

Alameda County, CA instituted a surcharge on all garbage disposed of in the county landfills in the 1990s. This program, named Stop Waste, now

³ <https://ilsr.org/neil-seldman-reviews-the-repair-revolution/>

⁴ <https://ilsr.org/gamechanging-service-fee-for-recycling-approved-by-berkeleys-city-council-and-zero-waste-division/>

⁵ Information available from Palo Alto Unified School District and UC - Berkeley.

generates about \$10 million annually for investment in public, community and private sector recycling programs and enterprises.

Ulster County can stimulate much higher levels of recycling if haulers that serve households were allowed to use the recycling infrastructure at the County's trash transfer stations. Right now only households that drop off their recyclables and waste at the transfer stations can use the recycling facilities. The Plan correctly indicates that, in effect, this is a "Pay As You Throw" (PAYT) system in which citizens pay only for the waste that they drop off. But if households engage a hauler there can be no PAYT impact because there is no incentive to reduce waste and

purchasing habits. Several jurisdictions have set up recycling programs that require haulers to make PAYT available to households.⁶

The County should undertake a financial impact analysis to determine the economics of providing PAYT to all households.

The County is committed to dual stream recycling which is good. The Plan does not indicate what the recycling rate in the County is at this time. As Plans for increased recycling are introduced the amount of materials handled will increase possibly requiring an expansion or reconfiguration of the processing facility. The emergence of mini MRFs (processing centers) should be explored as the need for more recycling capacity is needed. Transferring single stream materials to a Dutchess County facility should be eliminated as a costly recycling option. The City of Kingston should be required to implement a dual stream collection program.

⁶ <https://ilsr.org/metering-residential-garbage-can-pave-the-way-to-zero-waste/>

The County should consider a law that requires all demolition and construction permits to require minimum amounts of C&D recycling. Jurisdictions have set 50% recycling requirements. Companies pay for a bond when they get their permits. This bond is returned to the company when it demonstrates that at least 50% of their materials are recycled. Further, the County should encourage and provide incentives for specialized C&D recycling companies such as Revolution Recovery in Philadelphia to expand into the GUS region. Clients of this company can reduce their cost of managing C&D materials by organizing their materials according to specifications by the company such as bins of different C&D materials: concrete, wood, bricks, cardboard, plastic. The City of Baltimore provided Second Chance a building deconstruction company with warehouse space. The company started with 6 workers and now employs 170 workers, mostly selected, trained and hired from the TANIF rolls of hard to employ workers. The company is poised to add 50 workers in the near future based upon recommendations for policy changes by the Fair Development Zero Waste Plan prepared for community leaders by ILSR and Zero Waste Associates.⁷

Citizens should request participation in the decision-making process used by UCRRA to determine how the Plan will be implemented. The City Council of Honolulu just passed a resolution calling for zero waste experts to be part of decision-making for the \$2 billion of federal pandemic relief funds that have been allocated to the city.

The County should develop a zero waste purchasing/procurement guidelines that are available from organizations.⁸ These programs reduce costs and reduce the County's environmental footprint.

⁷ <https://ilsr.org/report-baltimore-zero-waste/>

⁸ <https://ilsr.org/state-and-local-government-environmentally-preferable-purchasing-programs-and-policies/>

The County should work with the state to implement minimum content requirements for products sold in the state including plastic, paper and glass products.

The Plan does not elaborate on recycling collection. There may be steps taken to reduce costs such as bi weekly collection and co-collection, which should be considered.

The Plan does not indicate how e-scrap is fully managed. Is there a program for repair and reuse of machines, working parts? Are valuable aluminum alloys source separated for higher market value? Where does all the collected e-scrap go after processing? E-scrap is the most valuable component of the waste stream. Local and regional reuse is essential for closing the digital divide, creating good jobs for hard to employ residents.⁹

Very Bad Ideas

The economic, environmental and social shortcomings of garbage incineration are well documented. I will not comment any further on this outdated 20th Century technology. I suggest that citizens review the materials posted by the Energy Justice Network.¹⁰ EJN recently

⁹ E-scrap repair and reuse enterprises dramatically reduce recidivism of former offenders by providing good wages and benefits and social coaching.

¹⁰ ENERGYJUSTICE.NET

documented that the city and residents of Baltimore, 600,000 people, spend \$55 million annually on health care as a result of garbage incineration in that city. Further the capital and operating costs for incineration are prohibitive. Incineration does not lead to zero waste. Incineration is among the largest obstacles to developing zero waste systems.

Mixed waste technology has a poor performance track record. Like garbage incineration the outcome of this type of processing --- very low materials recovery, poor quality of recovered materials, recyclables and organics --- is not desirable. Mixed waste processing does not generate the level of pollution as garbage incineration. But many mixed waste systems seek to turn their plastic, organic and paper residue as a fuel to local industrial boilers.

The Plan calls for additional research into the feasibility of these technologies. Citizens should urge UCRRA to drop these tasks and divert research funds accordingly pilot and full-scale projects that help the county realize a sustainable recycling and waste management system for the rest of the 21st Century.

Attention could be focused on attracting companies that can use materials generated in County (and GUS district) to process and manufacture new products, which expand the local economy and tax base.

The report calls for the application of Extended Producer Responsibility. But the Plan is confusing at it does not distinguish between Extended Producer

Responsibility that turns the entire recycling system over to Fortune 500 companies without any input from local government or citizens and small businesses from Product Stewardship, which calls from companies to

contribute their fair share of the cost of recycling and waste management to the cities and counties to develop their own local programs.¹¹

¹¹ <https://ilsr.org/state-and-local-government-environmentally-preferable-purchasing-programs-and-policies/>