

Opposing A County Wide Landfill On Two Specific Parcels Of Land In The Town Of Plattekill

Referred to: The Energy, Environment and Sustainability Committee (Chairwoman Greene and Legislators Hansut, Levine, Maloney, and Stewart)

Legislator Kevin Roberts and Legislators Corcoran, Fabiano, Hansut, Litts, Lopez, and Ronk offer the following:

WHEREAS, Ulster County (UC) residents, businesses and other entities generate over 90,000 tons of Municipal Solid Waste (MSW), 30,000 tons of Construction and Demolition per year, and other waste totaling around 150,000 tons per year; and

WHEREAS, in compliance with the Ulster County Solid Waste Management Law, Local Law Number 10 of 2012, establishes a solid waste system whereas all MSW generated in Ulster County must be disposed of by sites directed by the County; and

WHEREAS, said local law, commonly referred to as ‘Flow Control,’ requires all trash, including curbside collection, to come to the UCRRA facilities for consolidation and final disposal; and

WHEREAS, the Ulster County Legislature recognizes that a long-term solution to the proper regulated disposal of UC generated MSW must be found; and

WHEREAS, the Ulster County Legislature recognizes that it not economically feasible and environmentally sound to transport UC generated MSW 466 miles round trip at 35 tons per trip; and

WHEREAS, the Ulster County Resource Recovery Agency authorized and paid \$11,000 for a Landfill Site Selection Study in Ulster County, New York, which was completed by HydroQuest on January 5, 2022; and

WHEREAS, the HydroQuest report was completed, as the NYS DEC asked the UCRRA to hire a consultant to see if there was any place in Ulster County's 1100 square miles that could accommodate a landfill; and

WHEREAS, after completion, the report was given to the NYS DEC, but not released to the public; and

WHEREAS, the Study identifies 9 potential landfill sites in Ulster County, but only 2 are viable, and according to the report, both viable sites are in Plattekill; and

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WHEREAS, Site H in the Study is in or on an adjoining Superfund site, and the current UCCRA Executive Director has said publicly that he opposes siting a landfill on or near a Superfund site; and

WHEREAS, Site H also has a large concentration of residential housing nearby; and

WHEREAS, Site I is in a potential Environmental Justice Zone; and

WHEREAS, 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; and 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; and

WHEREAS, 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; and

WHEREAS, both the Black Creek and Quassaick Creek snake thru Site I, and the Quassaick Creek runs in to Chadwick Lake, the Town of Newburgh's reservoir; and

WHEREAS, the Town of Newburgh and Town of Marlborough have a water agreement under whichent the Town of Newburgh supplies the Town of Marlborough with water when their main source (Aqueduct) is under repair; and

WHEREAS, the Town of Newburgh on March 27, 2023 voted to oppose a Plattekill Landfill that may affect the water quality of its reservoir; and

WHEREAS, Town of Plattekill government officials and residents learned of the HydroQuest Study only after it leaked in the *Daily Freeman*, creating a deep distrust for the landfill siting process; and

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WHEREAS, Town of Plattekill Residents showed up at 3 consecutive Town Board Meetings to “express their displeasure” with the Study and possible siting of a landfill in Plattekill; and

WHEREAS, the Town of Plattekill Town Board has voted unanimously on 2 separate occasions to oppose a landfill in their boundaries; and

WHEREAS, both sites have multiple tributaries, wetlands and Lake Sunset is in the vicinity of Site I; and

WHEREAS, the Town of Plattekill does not have municipal water, and any landfill located on those 2 sites will have the potential to permanently damage the aquifer that supplies water to the Town of Plattekill residents; and

~~WHEREAS, after the HydroQuest Study was leaked to the public, the Executive Director of the UCRRA publicly stated that the Study will not be used in any capacity; now, therefore be it~~

RESOLVED, the Ulster County Legislature is committed to finding a long-term solution to the County’s waste disposal; and, be it further

~~RESOLVED, the Ulster County Legislature urges the UCRRA to not use the HydroQuest Study as stated by the UCRRA Executive Director; and, be it further~~

RESOLVED, the Ulster County Legislature joins the Town of Plattekill Town Board and its residents in opposing a landfill on Site H and I, both sites located in the Town of Plattekill; and, be it further

RESOLVED, the Clerk of the Legislature forward copies of this resolution to the UCRRA and the NYSDEC,

and moves its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 14 NOES: 9
(Noes: Legislators Bartels, Cahill, Criswell, Gavaris, Greene, Heppner, Levine, Stewart, and Uchitelle)

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Postponed in Committee: Energy, Environment and Sustainability on April 6, 2023

Passed Committee: Energy, Environment and Sustainability as amended on May 4,
2023

FINANCIAL IMPACT:
NONE

Defeated at Legislative Session on May 16, 2023.

DEFEATED BY THE FOLLOWING VOTE:

AYES: 10 NOES: 12
(Ayes: Legislators Corcoran, Erner, Fabiano,
Gavaris, Hansut, Hewitt, Lopez, Petit, Roberts, and
Ronk)
(Absent: Legislator Litts)

At Legislative Session on June 13, 2023, Legislator Maloney motioned, seconded by
Legislator Ronk, to reconsider Resolution 200.

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 18 NOES: 5
(Noes: Legislators Bartels, Bowen, Cahill, Heppner, and
Uchitelle)

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At Legislative Session on June 13, 2023, Legislator Roberts motioned, seconded by Legislator Nolan, to amend the resolution by striking a WHEREAS clause and a RESOLVED clause as indicated above.

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 23 NOES: 0

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution DEFEATED by the Ulster County Legislature on the 16th Day of May in the year Two Thousand Twenty-Three, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 17th Day of May in the year Two Thousand Twenty-Three.

[s] Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature