



# Save the Pine Bush

## May/June Newsletter

May/Jun 10 No. 103 • 33 Central Ave., Albany, NY 12210 • email pinebush@mac.com • phone 434-1954 • fax 434-6659 • web <http://www.savethepinebush.org> • Circ. 1000

### Vegetarian/Vegan Lasagna Dinner Wednesday, May 26, 6:00 p.m.

## Ward Stone

*Wildlife Pathologist  
will speak about*

## Environmental Concerns of the Pine Bush & the LaFarge Cement Plant on the Hudson

Ward Stone needs no introduction. He has been a tireless advocate for the environment for more than 40 years, giving voice to the voiceless, and taking on the monied interests. We are honored that Ward Stone will be our speaker for this month's dinner.

At the First Presbyterian Church, (State and Willett Sts, Albany, please enter from State St.). All-the-vegetarian-and-vegan-lasagna-you-can-eat, garden salad, garlic bread and homemade pies. Only \$10 for adults, \$5 for students, and \$2 for children. People who make reservations are served first. For reservations, please leave a message for Rezsín Adams at 462-0891 or Lynne Jackson at 434-1954 or email pinebush@mac.com. Interested people are welcomed to attend the program beginning at 7:00 for which there is no charge.

## May Flower Walk

**Saturday, May 22 at 9:30 AM**

**Meet At:** SUNYA Campus Center Bus Stop, Collins Circle, 1400 Washington Ave. Albany

**Leader:** Amy Riley; **For info call:** 465-8930

Join us with the very knowledgeable wildflower specialist Amy Riley in a leisurely late May walk in the Pine Bush. We will look at the colorful variety of wildflowers that can be expected to be in bloom by then.

**The walk is free and open to the public! Bring your friends!**

[www.savethepinebush.org](http://www.savethepinebush.org)

### Turnabout defeats Albany landfill vote again

*Last-minute changed vote leaves the  
expansion of Albany's landfill uncertain*

By JORDAN CARLEO-EVANGELIST, Staff writer, reprinted from the Times Union, First published in print: Tuesday, May 4, 2010

ALBANY -- City lawmakers on Monday again rejected a crucial borrowing measure to allow the city to continue the Rapp Road Landfill expansion, dealing another blow to Mayor Jerry Jennings' administration and once again leaving the future of the controversial facility in doubt.

The roadblock prompted supporters of the \$1.35 million bonding ordinance to charge that their colleagues are setting the city up for a fiscal nightmare -- and possibly a control board -- if the full, seven-year expansion isn't completed.

"This is an extremely serious situation for

*continued on page 2*

### New Yorkers for Zero Waste Platform 2010

The N.Y.S. Department of Environmental Conservation (DEC) has prepared a new State Solid Waste Plan that finally recognizes that materials in our waste stream are valuable and need to be preserved. We strongly endorse its preference for waste reduction, reuse, recycling and composting over disposal. The less waste we dispose of the more environmental, economic and social benefits that we will enjoy.

Unfortunately millions of tons of garbage are still being wasted by being sent for disposal in landfills or incinerators. The DEC estimates New York's recycling rate to be only 20%, far short of the 50% reduction and recycling goal to be met by 1997 under the State Solid Waste Management Act of 1988. A large portion of waste headed for disposal is recyclable (50%) or compostable (30%) material that could be processed by other means into new products.

To achieve the Plan goals we must stop

*continued on page 4*

*Turnabout, from page 1*

the budget -- for the present and future," said Council Majority Leader Daniel Herring, adding that opponents have put forward "no responsible proposal."

The defeat came with a cruel twist for backers of the ordinance, who believed they had secured the 10 votes needed to pass it when Councilwoman Cathy Fahey, who voted against it in March 15, said she would reluctantly support it.

But their hopes were dashed when Councilwoman Jackie Jenkins-Cox, who supported it last time, voted "no." It failed 6-9.

Jenkins-Cox, who represents the 5th Ward in West Hill, said she changed her vote after hearing from three constituents Friday about the increasingly heavy tax burden the city is foisting on them.

"If we keep voting to pass bond after bond, it's only going to increase their taxes," she said. "I think my constituents are going to be happy that I did this for them."

The turnabout prompted Councilman Lester Freeman, who opposes the borrowing, to openly celebrate with a fist pump and broad smile as Jenkins-Cox registered her vote, which clearly stunned others.

Joining Jenkins-Cox and Freeman voting no were Council members Barbara Smith, Leah Golby, Dominick Calsolaro and Anton Konev.

The ordinance would have authorized the city to borrow money for professional fees associated with the 15-acre expansion into the Pine Bush.

Phase one of that expansion, already underway, will give the city two more years of landfill space, officials have said. Phase two, which is currently in the planning stages, could extend that life to between seven and nine years.

For years, and by many accounts, Albany has relied heavily on landfill revenue to subsidize its daily operations, but opponents of the borrowing question how lucrative the facility truly is when the city has never fully accounted for the costs of running it. The added debt, they warn, may not be worth it.

To that end, the council earlier in the evening unanimously approved an ordinance to move the city toward so-called full-cost accounting in hopes of better understanding the impact of the landfill on city finances.

But one major sticking point remains how the city plans to pay for \$18 million in Pine Bush restoration required by state environmental regulators in exchange for the expansion permit.

Some council members oppose the city's plan to borrow for that, saying that Albany should

instead literally interpret the permit and levy a \$10 fee on each ton dumped at the landfill -- taking the full burden off taxpayers.

"I want to see compromise on the \$10 tipping fee," Freeman said. "That's it."

Landfill officials, however, have argued that raising the dumping fee \$10 would cause the city to hemorrhage business, hurting taxpayer's even more.

"We're dealing with a reality of what's going to happen in this city not in 2016, what's going to happen in this city in six months," Councilman John Rosenzweig said.

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## Save the Pine Bush June Bike Ride Saturday, June 19

**Meeting Place #1** – Civil War Veterans monument in Washington Park, State & Henry Johnson Blvd.

Time – Meet at 9:30 AM

**Meeting Place #2** – Uncommon Grounds, University Plaza, 1235 Western Avenue

Time – 10:00 AM

End – Return to Albany by 3:00-4:00 PM

Lynne Jackson will lead a bike ride to the Albany Pine Bush Discovery Center. We will have a guided tour of the Discovery Center, and, time permitting, will take a short walk in the Pine Bush.

Helmet, lights, and lunch money recommended. Approximately 20 miles round trip. Free. All welcome. Co-sponsored with the Albany Bicycle Coalition.

## Letter from Grace Nichols to the Albany Common Council

May 3, 2010

Dear Albany Common Council:

Due to the advocacy of the over 100 citizens who signed our petition last year to curb the city's purchase and use of pesticides to only non-Category I, II, III EPA toxicity category substances, the City had their pesticide contractor enroll in a GreenGuard program to find sustainable ways to control pests.

In 2008, under the old plan, the city spent \$22,752.00 on pesticide services. In 2009, in July, the city changed its policy and by the end of the year they had only spent \$17,556 on pesticide services from Ehrlich Corporation.

This savings of over \$5000 could well be spent mitigating the impacts of the landfill on the Pine Bush by building a small monitoring station near the Senior Centers nearby. This year we are due to save over \$10,000 due to this new Albany City compliance with the law.

We only hope the City will learn from this experience, and the pleasure of saving even more money this year by being Green all year round. In a similar situation with regard to the current mitigation plan for the existing landfill through "restoration," may we learn early on that it is less expensive environmentally, and maybe even in short term fiscal terms, to go organic and reduce pesticides.

In any event, mechanical control of invasive species – ie weeding, smothering, digging up and using -- will create jobs for young people and entry level workers. That will help everyone.

-- Grace Nichols

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## Town of Colonie Planning Board Meeting on Tuesday, May 11 at 7:00 PM

*Everyone who cares about the Pine Bush needs to attend!*

COLONIE: Several years ago, the Town of Colonie conducted a comprehensive plan for the Town of Colonie. To ensure participation of as many residents of the Town as possible, the Town sent a survey to every resident, and then, over the space of a year or more, the Town held over 50 public meetings, asking residents for their input on the Comprehensive Plan.

Many people spoke out in favor of preservation of the Pine Bush. As a result, when the Comprehensive Plan was adopted, the Town Board also re-zoned the Pine Bush with a conservation overlay with some mild restrictions on building in the Pine Bush.

Now, wealthy land-owners in the Pine Bush want to challenge the Town of Colonie's Comprehensive Plan and the re-zoning of Pine Bush in the Town of Colonie.

Everyone who cares about the Pine Bush is encouraged to attend this important meeting and make your voices heard on how important Pine Bush preservation is. The Town of Colonie Planning Board meeting will be held on Tuesday, May 11, and will be held at the Town of Colonie Public Operations Center, 347 Old Niskayuna Road, Latham, New York 12110

# Comments on the Solid Waste Management Plan by Mike Kernan

Michael J. Kernan was appointed to the Solid Waste Management Plan as a representative of CANA - the Council of Albany Neighborhoods. Below is an edited version of the comments he submitted on the Steering Committee (SC) SWMP Preliminary Report\*

## Preliminary Report Conclusions (PR)

### 1. Public authority vs formal consortium

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

There are disadvantages to another public authority. It will take years and expense to get legislative approval; it will be opposed by the citizens/taxpayers. Generally, public authorities have their directors appointed by the municipalities, no matter the lack of experience in matters of solid waste. In appointments, the public is generally ignored or allotted a minimum number; these also are appointed by the politicians. Rates are determined by a group which has no responsibility to its citizens. [We have seen that with the water authority here in Albany, whose minimum charge does not encourage water conservation; in fact the declining rates encourage excessive water use.] To create a new organization means an additional bureaucratic structure with departments in personnel, human resources, finance, budgeting, etc. NYS and this region have too many authorities and the NYS Comptroller periodically issues reports critical of the abuses inherent.

### 2. Alternative Emerging Technologies

CHA is due credit for bringing before the SC presentations by companies from North America and Europe who are involved with alternative technologies such as pyrolysis, gasification,

biological/mechanical, anaerobic digestion and WTE. The SC had the opportunity to question the presenters. But the SC has not held discussion on the merits of each technology. CHA has shown its decisions in the PR and CHA's analyses are contained in that elusive Appendix E. It is not sufficient to deny a technology on the basis that there are no American factories, while a technology has been proven in Europe for more than a decade. It is the duty of the SC to weigh the merits of each technology, with technical assistance from CHA and other experts, and consider whether each technology would be appropriate in our situation.

## The Process Of The Steering Committee

### 1. Composition of the Steering Committee

At the first meeting of the SC in November 2008, 18 members were announced. In the PR there are 23 members listed. I do not recall any meeting in which new members were announced; I attended most of the meetings. Attendance by actual SC members diminished as the year progressed.

### 2. Resource Materials

At the first few monthly meetings, CHA prepared only enough copies of documents for members of SC and others who sat at the table in the front of the room. At the April 2009 meeting there was a motion to provide enough copies so that the public, who sat in seats to the rear of the room and who were there although not being paid by their employers, would have sufficient copies in order to follow complex discussions. [Only three SC members are not employed by municipalities, the industry or consultants.] It included a provision that the SC (not CHA) would decide what material would be distributed. This formal motion was not included in the Minutes following the meeting. There were many meetings in which there were an insufficient number of copies available to the public.

### 3. Incomplete Minutes

This problem of incomplete Minutes occurred again when a discussion on the creation of a "consortium" instead of a public authority was not transcribed. Until the October Meeting, a "consortium" was not discussed in detail. CHA promised to have the attorneys research the issue. It may be appropriate to make it a "formal written consortium", using the IMA as a basis.

### 4. Appendices C-F

Appendices C-F are mentioned in the Table of Contents but not included. As the Appendices are part of the PR, they should be distributed to

all SC members before SC members are asked their opinion.

### 5. Distribution of Preliminary Report

At each meeting of the SC, there were citizens sitting in the gallery who attended many of the meetings, some who were quite knowledgeable on the topic, some who asked very pertinent questions or who provided information to the group. Prior to issuance of a SWMP for formal review, these members of the public should be provided the PR in full.

### 6. Discussion of the Preliminary Report

The 12/15/09 email also states that the PR "has been compiled based on the many months of input and guidance that you have provided as part of the committee." Rather, CHA prepared the PR and led and controlled the discussion throughout the year. The SC should discuss the PR among its members, having access to the viewpoints of other members of the SC.

## Recommendation

I propose a Scenario #4 for the SC's consideration, which may include the following:

- regional formal consortium; strict enforcement of existing recycling laws, with penalties; innovative approaches to recycling as shown in other regions; PAYT if a small first bag weekly is provided free by the municipality; product stewardship;

- consider a SSOW facility since food waste is 19% of MSW (didn't the City of Albany collect food waste from residents as part of regular trash pickup in the 1960-70s); and further evaluation of emerging technologies, as opposed to a WTE plant.

I make these initial comments, understanding that discussion is needed, and request that my comments be forwarded directly to Steering Committee members.

Michael J Kernan, submitted to Steering Committee on January 24, 2010

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## Sally's Recycling Corner Reusable Bags

You can help save oceans when you use reusable shopping bags instead of plastic bags. Sure, it's a small step — but it can make a big difference in the health of our oceans.

## Zero Waste, from page 1

trashing our resources through disposal!

- Incinerators emit toxic air emissions and produce toxic incinerator ash that needs landfilling. They also emit more CO<sub>2</sub> than coal burning plants per MWh. Incinerators must have burnable materials and therefore compete with recycling.

- Recycling saves 4-5 times the energy an incinerator recovers.<sup>1</sup> Incineration is not renewable energy.

To address climate change we must address waste in our society!

- For every trash bag we put at the curb, 70 bags of trash were generated by industry to make the products we buy. The production of products and packaging is associated with 44% of all greenhouse gas emissions.<sup>2</sup>

- Biodegradable materials in landfills emit methane, a gas that has 72 times the global warming potential of CO<sub>2</sub>, over 20 years.<sup>3</sup> Landfill gas collection systems capture only about 20% of landfill gas.<sup>4</sup>

- The best strategy is to divert biodegradable organic material away from landfills and incinerators to composting. Compost provides nutrients for healthy soils and plants.

Burning and burying garbage wastes money, energy, and natural resources; it contributes to climate change and places an unfair pollution and health burden on nearby communities. Diversion saves energy and resources, and creates many more jobs in collection, processing, reuse of goods and remanufacturing of materials.

Maximizing waste reduction and diversion will dramatically decrease waste sent for disposal over time by 70%, 80%, 90% and more, enabling New York to achieve the significant benefits of a more sustainable system.

The ultimate goal should be Zero Waste being sent to Disposal or very close to it.

**We call on the Governor, the NYS DEC and State Legislators to support a new sustainable direction for reducing waste, recovering resources and obtaining jobs and other associated benefits for New Yorkers by doing the following:**

- Establish a moratorium on all new waste incinerators or combustors and expansions. This would include newer thermal technologies that are as yet unproven commercially in the US such as gasification, pyrolysis and plasma arc.

- Ban waste haulers and municipalities from sending recyclable materials for disposal, and instead require recyclables to be source separated and transported to recycling processing facilities.

- Halt all increases in capacity at the state's largest landfills.

- Require all local solid waste planning units and haulers sending garbage for disposal to demonstrate the presence of adequate programs of waste reduction, recycling and composting in the service area.

- Rapidly implement organics collection programs and develop the needed composting and anaerobic digestion infrastructure. Ban yard trimmings from disposal now and enforce. Establish a statewide ban on the disposal of food scraps by 2013.

- Require all communities to adopt incentive/disincentive programs, such as Pay-As-You-Throw, which are proven to increase diversion rates.

- Adopt Extended Producer Responsibility (EPR) legislation (also known as product stewardship) to engage manufacturers and importers in the design of products and packaging to reduce waste and toxicity and remove the burden from government and taxpayers. Producers of products and packaging must be part of the solution. 10-15% of the waste stream should be reduced through EPR measures.

- Regulate solid waste generated by all sectors – residential, commercial, institutional and industrial. Bring waste haulers and transporters under the jurisdiction of the DEC through licensing, requiring reporting of all waste and recyclable collections and disposal, and providing for oversight and compliance.

- Require local solid waste planning units to prepare plans that increase waste reduction and diversion and decrease disposal. State and local plans must decrease disposal by 50% by 2015, and 75% by 2020. The implementation plans must be enforceable by DEC.

- Ensure accurate measurements of diversion and waste quantities in order to measure progress toward goals. Plan to reassess goals and progress and adjust programs under a revised 2020 statewide plan.

- Ensure that Zero Waste Programs and their greenhouse gas benefits become a substantial part of the new state Climate Action Plan and its implementation.

- Establish a secure funding stream to fund more sustainable solid waste programs over the long term and achieve job benefits and needed greenhouse gas emission reductions. Licensing fees, facility permit fees and surcharges on disposal should all be used to provide dedicated funding. A surcharge of at least \$20 per ton of MSW generated could provide \$5 per ton to the state for solid waste activities and \$15 to local planning units to support needed recycling and composting facilities as well as educational programs.

To support this platform or for more information, contact: Barbara Warren, Citizens Environmental Coalition, warrenba@msn.com or 845-754-7951/ 518-462-5527.

[www.savethepinepush.org](http://www.savethepinepush.org)



Save the Pine Bush  
A Project of the Social Justice Center  
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