

## PRESS RELEASE

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### **“PERINTON ZONING BOARD OF APPEALS SHOULD DENY WASTE MANAGEMENT PERMIT TO LANDFILL FOR LACK OF COMPLIANCE WITH CODE AND ENVIRONMENTAL REVIEW LAWS ”**

Home owners in Perinton continue to be impacted from odors emanating beyond the footprint of the Waste Management High Acres landfill onto their property in violation of their existing permits, yet the Town Zoning Board of Appeals is faced with approving a new 5-year permit tonight at a ZBA hearing. WM sent in its paltry 6-page permit application only a few weeks ago and coaches it as a simple “renewal” as if nothing has changed during the last five years. A lot has changed in this time. Most notably, WM removed the primary means of odor mitigation when it ceased using half of the odor controls called horizontal collectors in 2015- 2016, which led to the noxious almost full year “odor event” between the fall of 2017 and the middle of 2018. This Fortune 100 company made this landfill design change without any permit modification or public review process, while at the same time beginning to accept more noxious New York City garbage that “cooks” in sealed rail cars for undisclosed periods of time. These two decisions have led to admitted public nuisance conditions.

However, the odors did not stop in 2018 and have continued at the rate of approximately 3,000 to 5,000 odor complaints per year. The Fresh Air for the Eastside Group has hired an expert – James Daigler of Daigler Engineering, P.C. to help its members understand why the odors continue. Mr. Daigler has submitted a letter to the ZBA and has met with the New York State Department of Environmental Conservation to explain that the reason odors are continuing at unacceptably high levels is because the side slopes of the increasing tall and steep landfill are not closed with a geomembrane liner and cover materials to stop the landfill from belching gasses. The Town Code requires that any areas where landfilling is no longer occurring be closed with a cover system and that adequate plans to prove the landfill will not create a public hazard or unduly interfere with the quiet enjoyment of adjacent properties be demonstrated in the permit application materials. No such plans were attached and WM only made a passing reference to possibly being willing to add temporary cover material to the side slopes.

“The ZBA must deny this permit application tonight and send WM back to the drawing board since this application lacks any details on permanent closure of the side slopes of the Landfill no longer being filled or any other odor mitigation measures to stop the ongoing public nuisance conditions,” said the attorney for over 200 home owners, Linda Shaw, Esq. of Knauf Shaw LLP. According to expert James Daigler, “WMNY’s design, monitoring, reporting and operation of the Landfill are insufficient to implement effective nuisance controls at this exceptionally large municipal solid waste (MSW) landfill or meet the requirements of the Town Code.” Further, the Town Supervisor promised the citizens in Perinton during an April 12, 2021 press conference that a Host Community Benefit Agreement to protect their property values would be finalized before this permit is approved, but that agreement has not been executed to date. “The Code requires this agreement to be in place before this permit is approved, therefore, the ZBA must deny the Permit until this agreement is executed, more controls to prevent odors are mandated, including but not limited to permanently covering the side slopes and monitoring for breaches every day as opposed to only 4 times a year, and there are termination provisions incorporated into the permit for non-compliance,” said attorney Linda Shaw. The extensive letter submitted to the Town on behalf of the home owners group also calls for a complete Environmental Impact Statement before this permit can be approved to evaluated for new impacts such as the climate impact from the green house gases the landfill creates.