

1. The town should be capping and closing the Perinton side of the landfill, while requesting the benefits listed in the HCA continue. The town's argument that it will "lose its seat at the table" if the landfill is capped and closed is disingenuous. A capped and closed landfill still has to be maintained and managed according to federal and state permits, and will still generate revenue for WM via the capture and conveyance of landfill gas which is converted to power and sold to the grid. It's my belief that the majority of landfill gas odors are caused by fugitive gases emanating from the Perinton side of the landfill, and permanently capping and closing that side will drastically reduce odor complaints, which should be the town's number one priority. Reduced revenue from WM to the town can be overcome by reducing spending, or a minor increase in taxes. The town is consciously keeping the landfill open by renewing the Special Use Permit, despite violations, simply to keep revenue coming to the town so spending can be maintained and taxes don't need to be increased, placing politics ahead of the well being of the community.
2. "MSW originating from the five (5) burrows of New York City and delivered to the Facility by rail shall not exceed \_\_\_% of the total permitted annual volume as referenced in Section XII of this HCA, and shall be measured on a monthly basis. This restriction does not reduce the annual volume permitted for this Facility."
  - a. This limitation of NYC waste is not specific enough to draw a conclusion on. More details are needed. Per the DEC, the site is permitted to take in 1,400,000 tons of waste per year (all inclusive). Supervisor Hanna has mentioned a 50% limit of the total permitted annual volume. That would equate to a 700,000-ton limit on NYC waste. 2020 NYC waste intake by rail was 646,000 tons. So, by using the numbers mentioned, the draft does not reduce the NYC intake when compared to 2020.
  - b. The draft should read that NYC waste should be reduced by 50% compared to 2020 intake amounts. That means going forward, NYC waste intake should be no more than 325,000 tons per year. It should NOT be based on a percentage of total permitted annual volume, it should be based on the number we currently see coming to the site, which we know is not manageable for WM. The decrease has to be meaningful to reduce odor risk going forward.
3. "WMNY shall not accept, by any mode of transportation, MSW for disposal at the Facility that is considered aged waste that has a generation time of greater than \_\_\_\_\_ days from its point of origin."
  - a. This limitation of aged MSW is not specific enough to draw a conclusion. More details are needed. We can draw experience from the odor event caused by the train derailment in 2019. Trash trains were diverted to Maryland for 3 weeks before being delivered to High Acres. The result was horrendous garbage odors in the community for a full week, due to those train containers being opened up after 3 weeks. The limitation on aged waste should be as short as possible for NYC waste by rail that still allows the scheduling to work for CSX and WM. I don't know if that's 3 days, 5 days, or something else, but it should not be any greater than necessary to make a normal delivery. The shorter this number can be made, the better for the community. Anything over than 7 would seem too long.

4. "NOTIFICATION MANAGEMENT PROGRAM"

- a. Do not force the community to utilize the hotline. Residents are already inconvenienced by having to constantly deal with odors impacting their lives. The reporting tool should be as convenient as possible, and the residents were kind enough to develop their own mobile application which is accurate, timely, and provides better information than can be given on the phone by the resident (weather, coordinates). It's clear that the town, state, and WM think this tool is too convenient. If the town believes there are flaws with the mobile application, then the town should develop its own mobile application to use, or ask the state or WM to develop an application. The bar has been set, and we refuse to use a hotline like it's 1985.
- b. Towpath cannot be used to investigate complaints. It is well documented that there is a significant conflict of interest for Chief Colella since his salary and department budget in Macedon is directly tied to revenue coming from WM. He's also partnered with WM to explore ways to exploit the methane to energy plan for additional revenue. Outside of the conflict of interest, Towpath has been consistently lying to residents when residents greet them after an odor complaint. They will tell residents they agree that there are odors present, then in their reports to WM and public officials, they deny odors existed. We have proof of this through documented interactions and FOIL documents. The Chief's wife has been on odor investigation trips by herself, as documented by community members. Nobody is sure if she is an official odor investigator working for Towpath or just covering for her husband. The community believes Towpath is only in place to help defend WM in court, and they are not an independent third party. They must be replaced by a company who is approved by the Citizen Advisory Committee.
- c. Human evaluation of odors will always be flawed. Technology is available to measure odors, and the town should request that WM equip the odor investigators with that technology, so human error and corruption is removed from the equation altogether.

5. "PROPERTY VALUE PROTECTION PROGRAM"

- a. Without the map of the area the town is requesting be covered, it is difficult to evaluate the program. More details are needed related to the covered area.
- b. The program does not take into account a situation where the general housing market is "normal" or "slow", and the landfill odors spike like they did in late 2017 and 2018. With those market and landfill conditions, the 15% coverage below fair market value is not sufficient. The coverage should be 50%. If the percentage cannot be changed, then there needs to be a backstop to the program. WM should be forced to buy the property at the fair market value if the house cannot sell for 15% below fair market value and has been on the market for 6 months. That is a true property value protection program, that covers the residents during the "worst case scenario".

6. "OFF-SITE IMPACTS"

- a. The "Actionable Levels" defined in the draft will not serve the community effectively. First, only complaints from the hotline are considered. The community refuses to use the hotline. Complaints from the mobile application MUST be considered. Second, based on the last three years of Towpath reports, the vast majority of odor complaints

are refuted by either saying there are no odors, or minimizing the odors with a very low odor level (usually .5). Based on the chart in the draft, along with historical data from Towpath, there will never be an "Actionable Level" of odors that would require a response and action from WM. If the town wants the community to believe the chart in the draft will be effective, then the town should provide the historical data on what would be considered an odor event based on the chart as it is. In other words, over the last 3 years, how many "Actionable Level" events would have occurred if the chart in the draft was in place? Lastly, the chart will create confusion in the community. How odors are confirmed and what the definition of an "odor event" is needs to be very simple and straightforward. If it smells, it smells. Simplify the complaint process, the verification process, and the requirement of WM providing the reason and plan to remediate. The combined requirements of the hotline, volume of complaints, time to confirm the complaints, method to confirm the complaints, and rolling time limits all serve to complicate the process and minimize the amount of "Actionable Levels" so no remediation will be required. That is unacceptable for something that is supposed to benefit the community.