

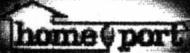
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## Fees from haulers lost in pile of trash

Albany -- Companies vanish, sticking city for more than \$1 million

By **BRIAN NEARING**, Staff writer  
First published: Sunday, May 16, 2004

The city's dump may be a cash cow now, but not all that milk ends up in the city's bucket.

More than \$1 million in dumping fees owed by private haulers has been lost in recent years, either because firms disappeared after failing to pay or because long-overdue bills were settled for pennies on the dollar.

The largest disputed bill -- about \$1 million due from Waste Management of New York -- was settled in March 2003 for \$375,000, according to city records.

At that time, former state Attorney General Dennis Vacco was president of the Syracuse-based corporation. In April 2003, Vacco, a Republican, joined the high-profile lobbying firm of Powers Crane, headed by former state GOP Chairman William Powers, which represented Waste Management.

City Corporation Counsel Gary Stiglmeier said Waste Management disputed its bill because the company had bought other trash haulers that had delinquent bills with the city.

"They argued that they shouldn't be held responsible for those bills, but that wasn't our position," Stiglmeier said.

The city sued Waste Management in May 2002, claiming the company owed \$229,000 for dumping between April 1998 and April 1999.

Five other trash companies also owe the city a total of nearly \$500,000 that likely will never be collected. Under city policy, companies can stop paying fees but continue to dump trash for 60 days before they're told to stop.

Last year, the city won legal judgments totaling about \$365,000 against two firms -- BMF Carting, of Cordell Road, Colonie, and Long Island Carting, of Lindenhurst,

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according to court records.

Long Island Carting dumped without paying between August and October of 2002, while BMF dumped between April and June 2001. By the time the city sued, the companies had apparently gone out of business, leaving the city little chance of getting its money.

In April 2004, the city cut off three more companies, Excel Recycling LLC, Solids Management Corp., and Malone's Refuse Service, which owed about \$100,000, said City Treasurer Betty Barnette, whose office handles landfill billings.

Delinquent bills have been growing, according to several years of city audits. Bills classified as "doubtful," meaning there is little chance of payment, amounted to \$358,000 in 1999, \$389,000 in 2000, \$922,000 in 2001 and more than \$1 million in 2002, the last year figures were available.

Barnette said the increase reflected problems left by former Comptroller Nancy Burton. In 2000 Barnette took the responsibility from Burton after a bitter public dispute. In 1999, Barnette had accused Burton's office of failing to collect about \$3.5 million, but an audit later set the figure at about \$1.5 million.

Bill Bruce, who is responsible for the dump as the city's general service commissioner, said the amount of bad debt at the landfill wasn't a problem.

"It is not a large amount, given the amount of revenue that is coming in," he said.

He said the city runs credit checks on any company seeking a landfill permit under a contract with Dunn & Bradstreet.

That check didn't stop the city from giving a landfill permit to BMF in March 2001. The application, filed by Vincent Forgione, identified the company president as Angelo C. Pedone, according to court records.

In 1993, the state Department of Environmental Conservation won a \$1.6 million judgment against Pedone for an illegal landfill off Route 5 in West Glenville that contained lead, asbestos, PCBs and barium in the soil and water. The dump has never been cleaned up.

In April 2002, 61-year-old Rodney Bobbins pleaded guilty in U.S. District Court and admitted he had run a marijuana sales ring and laundered the profits through BMF Carting between January and July of 2000.

Pedone failed to answer a court summons after being sued by Albany, and an arrest warrant was issued for him in February 2003.

Forgione, who filed the permit for Pedone's company, also was listed on the landfill permit application filed by Waste Management with the city in 1998 and 1998, according to city records.

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## **Plan would double landfill's life**

Under mayor's expansion proposal, Rapp Road would gain 20 acres; environmentalists cry foul

By **BRIAN NEARING**, Times Union Staff writer

First published: Sunday, September 4, 2005

ALBANY -- Garbage may keep piling up into the next decade at the Rapp Road landfill in the environmentally sensitive Pine Bush Preserve under an expansion plan by the administration of Mayor Jerry Jennings.

Jennings wants the state Department of Environmental Conservation to approve doubling the remaining life of the massive dump by adding another 20 acres. Five years ago, the city promised the state that land would be given to the Pine Bush Preserve.

Now the city finds itself squeezed as the Rapp Road dump fills while legal challenges delay a proposed new 363-acre dump in Coeymans, where opponents have been fighting the plan for more than a decade. During that time, the city has not filed a state-mandated study on the proposed dump's potential environmental impact.

"We need time," said the mayor, who met Thursday with the Times Union's editorial board. "I can't count on Coeymans coming through. The prudent thing on this is to go parallel. We will be applying to the state for this."

Albany makes millions of dollars a year by taking trash from other municipalities. This year, the Rapp Road landfill is expected to generate more than \$13.6 million on fees from private haulers and 12 other municipalities. That's about 10 percent of all city revenue.

On Friday, environmentalists accused the city of acting in bad faith by wanting the dump on land pledged for preservation. That pledge was made when the state approved a 23-acre, \$9.5 million dump expansion in February 2000. The city said the expansion was necessary because the landfill was approaching capacity.

To get state permission, the city spent \$3.2 million to buy the Fox Run Estates mobile home park, which included the 20-acre park and 40 acres of undeveloped land next to the landfill. As a condition of its state permit, the city promised to immediately transfer the vacant land to the preserve, with the remaining property to follow once the trailer park tenants left.

"This is illegal. The city can't do it," said Lynne Jackson, director of Save the Pine

Bush. "All 60 acres are to be dedicated to the preserve. The city hasn't even bothered to dedicate the first 40 acres."

Chris Hawver, executive director of the Pine Bush Preserve, said he didn't know why the city hasn't transferred any land. "I would think that the commission would be concerned with the expansion of the landfill into lands that the commission is counting as protected," he said.

Jennings is a member of the preserve commission, which currently has about 3,031 acres of Pine Bush in Albany, Colonie and Guilderland. Hawver said the mayor did not inform the commission of the expansion plan, although Hawver said he had heard rumors to that effect.

City General Services Commissioner Bill Bruce said the Rapp Road expansion -- which would be the fourth sought by the city -- doesn't mean that the city is "giving up on Coeymans. But there have been complications with the site."

In June, dump opponents in Coeymans filed a lawsuit contending that the city illegally made about \$4.5 million in option payments on the Coeymans land since 2001, when the state Appellate Division upheld a 2000 state Supreme Court ruling that barred the city from buying the property until completion of an environmental impact study.

Bruce said the Rapp Road dump can accept garbage for another five years. The expansion would add another five years' capacity, he said. Bruce said the city would replace the 20 acres it wants with another 20 acres elsewhere in the Pine Bush.

Opponents of the previous landfill expansion had predicted the city would try to expand into land promised for the preserve.

"The city is not pulling a fast one. They are pulling a slow one," said attorney Lewis Oliver, who represented Save the Pine Bush in 2000 in an unsuccessful bid to stop the expansion.

In that lawsuit, Oliver wrote, "Given the city's history of stalling and delay in siting a long-term landfill outside the Pine Bush, and the DEC's seeming subservience to the city's commitment to remaining in the Pine Bush as long as possible, the proposal to leave the 20 acres nearest the landfill unprotected appears to be a strategy for the city to acquire a future landfill expansion site."

## **Landfill debate causes uproar**

Councilmen exchange words at meeting on plan to expand into Pine Bush

By **BRIAN NEARING**, Times Union Staff writer

First published: Friday, December 2, 2005

ALBANY -- A shouting match broke out Thursday between Common Council members after one of them tried to prevent public comment over a planned expansion of the landfill into the Pine Bush.

The war of words between council members Michael Brown and Dominick Calsolaro erupted during a General Services Committee session and ended in catcalls from the audience as Brown stormed out.

The session was held on a Calsolaro measure that calls upon the city to donate 20 acres near its Rapp Road landfill to the Pine Bush Preserve, rather than use it for a dump.

In 2000, the city agreed to donate the land, part of the Fox Run Estates mobile home park, as part of the last landfill expansion. But the transfer never happened. Now the city wants to fill the parcel with garbage, cover it up, and donate it to the preserve sometime around 2017.

The administration of Mayor Jerry Jennings, which wants the new dump, refused the committee's request that General Services Commissioner Bill Bruce and a city lawyer attend Thursday's meeting to answer questions about the plan, said Committee Chairwoman Sarah Curry-Cobb.

After Curry-Cobb sent Calsolaro's measure to another committee because it involves legal questions about the city's commitment on the land, Brown tried to prevent 40 people in the audience from commenting. Brown voted with council members Sandra Fox and Glen Casey to close the meeting.

As Brown put on his coat and headed for the door, Calsolaro erupted. He accused the committee of violating the state Open Meetings Law by reneging on a public comment period that was part of the written agenda.

"You are breaking the law," fumed Calsolaro.

"Just because you want to get some headlines, doesn't mean we have to waste everyone's time," said Brown, who represents the Third Ward, but will leave office at

the end of the month after losing a re-election bid.

Many people in the audience shouted and pointed at Brown.

"You can't wait to get out of here," said one woman.

"This is all a setup," shouted another man.

Brown kept walking and left.

But confronted with the angry crowd, Curry-Cobb and committee Vice Chairman Joseph Igoe relented and opened the meeting. They got an earful, with about a dozen speakers urging the city not to expand the landfill.

Colonie Village Mayor Frank Leak said, "I will use all my outlets available to me to make sure the city does this donation. What the city said it was going to do, it should do, as simple as that."

Much of the disputed 20 acres is in the village.

"What is the city afraid of on this? Why isn't Bill Bruce here?" said Lynne Jackson, a board member of Save the Pine Bush, which opposes the landfill expansion.

"This is more than a legal question. It is a moral and ethical question," said John Wolcott, an Albany resident. "It is a matter of honor for this city. A promise was made."

# **City clears air in landfill dispute**

Albany, methane company resolve issues surrounding upkeep of gas conversion operation

By [BRIAN NEARING](#), Times Union Staff writer

First published: Sunday, January 15, 2006

ALBANY -- The city's cash cow has a bad case of gas.

Stench comes naturally from the rotting of untold tons of garbage buried over the decades at the Rapp Road landfill.

Each year, dump fees bring millions into city coffers, while hungry bacteria keep making volatile and smelly fumes. A decade ago, when the city brought in a company to extract methane-rich gas and burn it for electricity, it hoped to turn stink into gold.

What was hailed as cutting-edge technology that would produce clean renewable energy hasn't turned out that way.

Instead, the city and Minnesota Methane, a subsidiary of NEO Albany LLC, spent five years arguing over who was to blame for foul-smelling gas that kept escaping into nearby neighborhoods.

Colonie Village Mayor Frank Leak said he's taken complaints for years about the dump. "I get a couple of calls a week, sometimes three or four," he said. "It's a terrible smell, like someone making gas."

He said it is as bad as ever. "Whatever system they have in place is not working," Leak said.

Methane is a colorless, odorless, lighter-than-air gas that is highly combustible. About half of landfill gas is composed of methane. Two other types of landfill gases -- ammonia and sulfides -- are putrid, but when the system works, they are burned too.

Methane can be dangerous. In 1990, an explosion of the gas leaking from Albany's former McCarty Avenue dump damaged homes on Frisbie Avenue.

Meanwhile, the city, which expected to earn up to \$300,000 a year from its landfill gas, instead has received only about \$77,000 from Minnesota Methane, according to city figures.

Adding insult to injury, Albany, which spent more than a half-million dollars in 2004 to

fix gas leaks after the company refused, is being sued by a woman who claims rancid landfill fumes put her into cardiorespiratory collapse.

In November, lawsuits and countersuits between Albany and Minnesota Methane -- as well as state fines against both the city and company -- led to a settlement in which the city took control of the maze of underground vacuum pipes that literally suck gas out of the landfill to fuel the power plant.

The 24-inch pipes are designed to act like giant straws, feeding gas into generators that produce electricity sold to the state's power grid.

The dump, located in the Pine Bush, is a regional facility. It takes trash from Albany along with a dozen other municipalities -- Cohoes, Rensselaer, Watervliet, Berne, Bethlehem, Guilderland, Knox, New Scotland, Rensselaerville, Westerlo, Green Island and Altamont -- that form a trash consortium called ANSWERS which serves 220,000 residents. Fees from private haulers account for most of the dump's revenue. Lately, Albany has been filling the landfill as fast as legally allowed. The trash tide increased 90 percent between 1999 and 2003. At the same time, the city's plan to build a new landfill on a 363-acre parcel in Coeymans has sparked opposition -- and lawsuits.

For now, all that garbage going into Rapp Road means more gas is being created.

"There was a lot of finger-pointing as to who was responsible for the odor," said Ruth Leistensnider, a lawyer with the firm of Nixon Peabody, which represents the city on landfill issues. "This settlement gives the city control over the gas field."

Leistensnider said trouble started in 2000, when the city had to move Minnesota Methane's \$2.56 million, 1.9-megawatt plant to expand the dump to make room for more garbage.

Built in 1998 by MM Albany Energy LLC, a Minnesota Methane subsidiary, the plant's pipes weren't capturing all the gas all the time, allowing some to escape, she said. The city complained the system was being improperly maintained, Leistensnider said.

It's impossible to tell how much gas escaped into the air. State officials who investigated in the fall of 2004 found the odors were excessive, said Maureen Wren, a spokeswoman for the Department of Environmental Conservation.

The DEC fined both the city and the company, and ordered additional gas extraction wells and larger gas-burning towers to handle excess gas.

Wren said a larger "flare" tower, which burns gas, should be in place next month.

Last week, the head of Minnesota Methane admitted a history of problems. "There was

less than acceptable performance by the system. There were a great deal of odor complaints," said Trond Aschehoug, senior vice president and general manager for Minnesota Methane.

He said the system -- touted as state of the art by state officials when it was installed -- seemed adequate before the 2000 expansion, but less so afterward. "The gas collection system was not expanded in time," he said.

One reason may have been financial problems by NRG Energy Inc., a New Jersey-based company that controlled Minnesota Methane and went bankrupt in 2003. "As the company was teetering on the brink of bankruptcy, they spent less money than they should have," Aschehoug said.

Both he and Leistensnider said strained times are over. "The city and us have a good relationship now," Aschehoug said. The company's lease runs through 2015.

Peace came only after a long legal battle.

In February 2003, MM Albany sued the city and a construction subcontractor, Rifenburg Construction, claiming work done in July 2000 for the landfill expansion had flooded the gas collection system, forcing the power plant to shut down for nearly a month, according to state Supreme Court records. The gas had nowhere to go but into the air.

At that time, Linda Cleveland, now 58, was visiting her sister, Kathleen, at the Fox Run Estates mobile home park, when she was overcome by powerful landfill fumes, according to a lawsuit filed in June 2001 in Supreme Court.

Cleveland was treated at St. Peter's Hospital for "cardiorespiratory collapse." Calls to Cleveland and her lawyer, John Kelleher, were not returned.

In December 2000, further flooding at the dump shut the power plant for another two weeks, according to Minnesota Methane's lawsuit. And in April 2002, workers accidentally cut the power plant's electrical transmission line, halting operations for another week.

Minnesota Methane wanted \$157,000 in damages. The company later withheld \$48,654 for the city's share of power sales in 2002 and 2003.

In April 2004, the city moved to evict the company for nonpayment. A month later, the company sued in federal court to block the eviction. In July, the city countersued, claiming the company was violating its lease by not controlling the stink.

Leistensnider said the city wanted more gas extraction wells installed to reduce odors,

but Minnesota Methane refused to do the work. In 2004, the city spent \$515,000 on an emergency no-bid contract for the wells, according to figures from the city comptroller's office.

But as odor complaints continued, the DEC investigated. In May 2005, the DEC fined the company \$37,500, although \$30,000 of that would be waived if problems were fixed.

The city was fined \$50,000 for the odors, for allowing garbage into drainage ditches and for allowing lechate -- a liquid formed by rotting garbage -- to collect on the ground outside the underground plastic liner installed to keep it from reaching the water table. The state waived all but \$7,500 of the fine if problems were corrected.

Leistensnider said the city is working to reduce the odor.

Minnesota Methane is going to spend up to \$1.5 million to expand its plant to handle up to 50 percent more gas, said Aschehoug.

The settlement also requires that Minnesota Methane pay the city \$4,000 a month to operate and maintain the gas collection system. The city will spend up to \$1,000 a month on major repairs, with anything above that paid by the company.

Meanwhile, Albany paid the company \$75,000 to drop its lawsuits, and the company paid the city \$381,618 for reimbursement of the cost of adding the extra gas extraction wells in 2004.

The city, which had been getting 4 percent of the company's net sales to National Grid, will now get 5 percent of sales up to a half-million dollars and 10 percent of sales beyond that.

Leistensnider said the agreement gives the city both control and responsibility over the gas field. "The city now has better ability to make the changes that need to be made," she said. "There is no more finger-pointing."

The city wants a further 20-acre expansion of the dump into the Fox Run Estates property once the 2000 expansion is filled up. Leistensnider said Albany will have to find new ways to deal with the extra gas that will create.

"We are looking at other technology, possibly using it as biofuel," she said.

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Methane Gas from the Albany Land Fill near the Washington Avenue Extension of Rapp Road in Albany January 10. (Skip Dickstein / Times Union)



Methane Gas from the Albany Land Fill near the Washington Avenue Extension of Rapp Road in Albany as workers backfill the land fill in the background Tuesday January 10, 2005. (Skip Dickstein / Times Union)

# Towns anxious over Albany landfill fate

Communities that use facility hope for best, but are preparing for worst  
By JORDAN CARLEO-EVANGELIST, Times Union Staff writer

First published: Wednesday, May 17, 2006

GUILDERLAND -- Albany's landfill, where the town sends its trash, has just four years of life left unless the city can win approval for a controversial 10-acre expansion into the Pine Bush, an engineer working for the city of Albany told Town Board members Tuesday night.

The message was similar to the one that the city broadcast when it called local municipal leaders to City Hall for a briefing about two months ago.

But the Town Board insisted on its own presentation, a hint at what some describe as a growing concern in the communities who rely on Albany to take their garbage.

The city contributes about 10 percent of the trash buried at the Rapp Road Landfill, said the engineer, Frank LaVardera. The rest comes from private haulers and other municipalities, including members of a consortium of local cities and towns like Guilderland, which have a substantial stake in the dump's future.

Albany earns about \$13 million annually -- 10 percent of its budget -- from fees paid by private trash haulers and the 12 local communities in the consortium.

And while much has been said about what Albany will do if it cannot win approval for expansion, Tuesday night's meeting shows the smaller communities are also at least beginning to plan for the future in light of what board member David Bosworth called "apprehensions about the accelerated depletion of the landfill."

The board did not ask any questions after the presentation.

Other members of the consortium have begun at least laying the groundwork for a contingency plan. Bethlehem officials say they are operating under the assumption that Albany will work something out, but the town has "put out some feelers at this point," said Supervisor Theresa Egan.

"I have every hope that something will be worked out in the interim," Egan said.

The supervisor declined to elaborate on what options the town is exploring but said if communities are forced to send their trash elsewhere, municipalities will likely have to work together to offset the high costs.

If Albany and its neighbors are forced to ship their garbage to landfills in distant counties or out of state, the transportation costs could increase fees or taxes.

Two possible alternatives are the High Acres Landfill in Monroe County and Seneca Meadows in Seneca County -- 218 miles and 188 miles west of Albany, respectively.

Schenectady, which is not a part of the consortium, spends about \$1.9 million a year to send its trash to Seneca Meadows, said Carl Olsen, commissioner of general services.

Cohoes, which used to send its trash to Rapp Road, is in the second year of a three-year deal to ship its refuse to Colonie's Route 9 landfill, which is much closer to the river city.

Mayor John T. McDonald III said the city spent \$311,000 to send 5,655 tons of trash to Colonie.

McDonald said the city switched to conserve fuel and reduce wear and tear on its trucks.

While Albany's predicament is not likely to directly affect Cohoes, McDonald said Rapp Road's closure could drive up prices elsewhere.

But Colonie, which also takes residential trash from Troy and garbage from other small villages, doesn't plan to take more from other municipalities, said Joe Stockbridge, the town's director of environmental services.

The town has about 15 years before the existing dump is full and has embarked on a planning process to avoid the crunch in which Albany now finds itself. Taking more trash now would only shorten the dump's life, Stockbridge said.

Bill Bruce, Albany's commissioner of general services, said local officials were "generally receptive" at the briefing about two months ago, adding he is not concerned that some of the city's garbage patrons might start to look elsewhere.

"The alternative would probably be more expensive for everybody," he said.

## **Landfill focus of lawsuits**

Expansion of Rapp Road facility sets off battle between city, contractor

By [\*\*BRIAN NEARING\*\*](#), Times Union Staff writer

First published: Saturday, June 10, 2006

ALBANY -- A Troy company that built an expansion of the Rapp Road dump is suing the city for nearly \$1 million, claiming it refused to pay for extra work needed to stop leaks of garbage-tainted liquid.

The lawsuit by Rifenburg Construction also claims Albany sought to bury reports on the extent and cause of the leaks by having a private law firm label the documents confidential, then used the attorney-client privilege to keep them from public view.

The dispute stems from an 11-acre expansion of the dump in 2002, according to a lawsuit that Rifenburg filed in state Supreme Court in September 2005.

The city countersued Rifenburg for nearly \$940,000, claiming the company caused leaks of the contaminated fluid by puncturing the landfill's plastic liner, which delayed the project for nearly a year as repairs were done.

The lawsuit, which is scheduled to go to trial in October, comes at time when the city is seeking state permission for another dump expansion, this time into land in the Pine Bush Preserve, a move that environmentalists oppose.

Edward Stein, a New York City lawyer representing Rifenburg, said Friday: "We think that the city may be sacrificing the environment around the landfill for revenue."

He said leachate -- contaminated liquid that seeps through buried garbage -- has been "migrating" beyond liners meant to keep it within the dump and out of the groundwater.

The company signed a \$3.1 million contract in 2002 to construct two new "cells" to hold garbage. The city paid about \$2.9 million, but Rifenburg claims it is due another \$956,700 because of the extra work.

Stein said the law firm of Nixon Peabody, which has advised the city on landfill issues for more than a decade, was "an annex of City Hall in a scheme to prevent the public and regulators from learning what is going on there."

Dan Herteau, a lawyer with Nixon Peabody, said while there were "very serious issues" over releasing reports on conditions at the dump, "it is not like the city is trying to hide

anything."

Herteau said he did not know if leachate remains a problem.

Rifenburg Construction "didn't do the job correctly," he said, which forced the city to spend money to study the problem. The city also lost about \$250,000 in potential revenue because it could not put garbage in the expansion until the problem was fixed, he said.

City Corporation Council John Reilly denied that the city used Nixon Peabody to block dump records from public review.

The outside firm was retained for its expertise in landfill issues, Reilly said.

The city earns \$13 million a year -- a tenth of its annual budget -- by taking trash from private haulers and a dozen other communities -- Cohoes, Rensselaer, Watervliet, Berne, Bethlehem, Guilderland, Knox, New Scotland, Rensselaerville, Westerlo, Green Island and Altamont.

More than a decade ago, Albany selected a 363-acre site in Coeymans for a new regional landfill, but it is unlikely to be ready by the time the Rapp Road dump is full sometime in 2009, as the city expects.

Mayor Jerry Jennings' administration has not filed a permit application with the state Department of Environmental Conservation for the Coeymans project, which is opposed by the town and a citizens group.

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## **Leaders balk at lobbying for dump**

When Albany Mayor Jerry Jennings turned recently to the communities that send garbage to his Rapp Road landfill for support in expanding the dump into the Pine Bush Preserve, he got a few cold shoulders.

Leaders of Guilderland, Altamont and New Scotland wouldn't put their signatures on a June letter Jennings sent to state lawmakers asking them to get behind the plan to take 10 acres from the preserve for the dump.

State approval is needed before land is removed from the preserve, although the issue has since been put on the shelf by Assemblyman John "Jack" McEneny, D-Albany, while an environmental study is performed.

The mayor has been warning that without the expansion, Albany and the dozen communities that make up the ANSWERS trash consortium will pay big bucks to ship garbage to out-of-town dumps, but Guilderland Supervisor Ken Runion told "Inside Politics" he thinks that dire scenario is over-blown.

Already, the town is looking at shipping its trash elsewhere, Runion said, noting that the town can drop out of ANSWERS after giving proper notice. The price to go elsewhere "is comparable," he said.

Runion also questioned the city's commitment to the environmentally sensitive Pine Bush, saying Jennings is more focused on getting new dump space so the city can continue collecting millions in dumping fees.

Pulling out as a customer of ANSWERS would put a dent in those millions, but Runion said the mayor's office was silent after the town's refusal to sign the lobbying letter. "There hasn't been any reaction at all," he said.

Inside Politics is compiled by staff writer Elizabeth Benjamin. Staff writer Brian Nearing contributed to this column.

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Excerpted from TU article entitled ***Gillibrand out-raises Sweeney for quarter*** July 7, 2006.

# Lingering problem will cost Albany

\$50,000 fine over odors at Rapp Road landfill is just part of DEC penalty

By **BRIAN NEARING**, Times Union Staff writer

First published: Tuesday, August 15, 2006

ALBANY -- The city is paying a \$50,000 state fine because it hasn't been able to control the stink wafting off the massive Rapp Road dump.

In addition to the penalty, the city also must make expensive improvements to a underground piping system that has failed to keep smelly gas from escaping into the air, according to an Aug. 1 consent order with the state Environmental Conservation Department.

While neighbors of the dump have long complained of odors, DEC moved against the city after a particularly nasty spell this winter, when the smell was so bad that it woke up sleeping people, made one person vomit, sickened tollbooth workers at Thruway Exit 24 and forced nearby businesses to send workers home, according to the consent order.

On Monday, city General Services Commissioner Bill Bruce said the problem stems from a long-term disagreement between the city and a company that installed the 8-year-old piping system, which is meant to collect methane and noxious dump gases to produce electricity and burn off any excess.

Both sides claimed that the other was responsible for system failures. This spring, the city installed a much larger "flare" -- a kind of venting tower topped by a flame -- to burn dump gas as part of its settlement in November with Minnesota Methane.

"In the past couple of months, we have noticed a difference with less odors," Bruce said. "We are in agreement with DEC that ... additional work needs to be done. It will probably be another month."

Under the settlement, the city took control of the maze of underground vacuum pipes that suck gas out of the landfill. The 24-inch pipes are designed to act like giant straws, feeding gas into generators that produce electricity sold to the state's power grid.

Bruce said those improvements cost more than \$215,000, and the additional work on the piping system recently ordered by the state could cost hundreds of thousands of dollars more.

But several dump neighbors said more needs to be done because the smells are as bad as ever, despite the city's work.

"It is still awful. It was so bad that it woke me up again last night," said Virginia Ritz, who lives on Lincoln Avenue in the village of Colonie. She said she cannot open the windows of her home.

"I notice absolutely no difference. It is the same as it ever was," said Linda Addison, a Fuller Terrace resident whose home is about a half-mile from the dump. "It smells like rotting meat."

Addison said state regulators should not approve Mayor Jerry Jennings' proposal to expand its dump 10 acres into the Pine Bush because "he can't handle the dump that he has now."

There was apparently a debate within the DEC over how the city should be punished for not solving the odor problems, which date back at least a decade, predating a dump expansion in 2000.

A DEC engineer recommended this spring that the city be forced to cut the amount of incoming garbage by half, according to documents reviewed by the Times Union.

Such a step could have cost the city millions of dollars a year in lost revenue.

"Waste going into the facility is a contributing factor to this being an uncontrolled problem," wrote engineer Thomas Reynolds in a Feb. 21 memo to regional DEC attorney Blaise Constantakes. "Reduction in allowable tonnage at this landfill is considered the only remaining measure in an effort to control this situation at this time."

Reynolds recommended that the city, which can take in about 1,050 tons of garbage a day, be limited to 500 tons, with that limit being increased only after two consecutive months without odor complaints.

However, Reynolds' recommendation was not part of the final consent order. DEC spokesman Maureen Wren said that the order, which was reached after negotiations with the city, will address the odor complaints and also avoid what could have been a lengthy administrative court proceeding.

In May 2005, the DEC fined the city \$50,000 for dump odors, for allowing garbage into drainage ditches and for allowing leachate -- a liquid formed by rotting garbage -- to collect on the ground outside the underground plastic liner installed to keep it from reaching the water table. The state agreed to waive all but \$7,500 of the fine if problems were corrected.

In 1996, the city was fined \$2,500 for odors at the dump.

Nearing can be reached at 454-5094 or by e-mail at [bnearing@timesunion.com](mailto:bnearing@timesunion.com).

# **Something's rotten**

## **Failure to control the stench at the Rapp Road dump means another \$50,000 fine for the city of Albany**

Editorial, First published: Thursday, August 17, 2006

Keep this much in mind as you follow the story of all that's gone wrong at the Rapp Road landfill in Albany. This is a place that's supposed to make money for the city, not cost money.

So it stinks indeed when the city gets hit with another \$50,000 fine for failing to control the stench. The state Department of Environmental Conservation imposed a similar fine a year ago and a \$2,500 penalty for odors at the landfill in 1996. The deal last year was that all but \$7,500 of the fine would be waived if the odor situation and other problems were fixed. That meant keeping garbage out of the drainage ditches and stopping a liquid formed by rotting garbage -- known as leachate -- from getting near the water table.

What's required as well, however, are repairs to the underground piping system so that methane and other noxious gases aren't making people who live and work near the dump sick. Those repairs are the subject of an ongoing dispute between the city and the company, Minnesota Methane, that installed the piping system eight years ago.

Shouldn't all those issues be resolved before the city gives serious consideration and the state gives any approval to expanding the Rapp Road landfill -- especially when it is located in the environmental treasure that is the Pine Bush?

General Services Commissioner Bill Bruce says at least a month's worth of work still needs to be done at the dump. He estimates the cost of the work could be hundreds of thousands of dollars, on top of the \$215,000 already spent on piping repairs.

Meanwhile, a DEC engineer has suggested that the city should reduce the amount of garbage coming into the Rapp Road dump, from a capacity of 1,050 tons a day to 500 tons a day. The engineer's recommendation, which could have cost Albany millions of dollars in landfill revenues, was not included in the order agreed to by the city and the DEC. But it's all the more reason to balk at a 10-acre expansion of the landfill.

At the very least, the city needs to fix the landfill as it's presently designed to operate. Fix it, that is, and proceed to give more thought to the long-term problem of properly disposing of garbage not only from the city, but from other communities that pay to bring their waste to the landfill.

Taxpayers demanding just that aren't really asking very much. They pay their bills, after all, with the assumption that their trash will get picked up and carted off to the dump, that no one will get sick from the smell when it does, and that these \$50,000 fines will be a thing of the past.

# **Trash deal raises stink**

## **Agreement to lower hauler's dumping fees criticized as Rapp Road facility nears capacity**

By **BRIAN NEARING**, Times Union Staff writer

First published: Sunday, October 22, 2006

ALBANY -- With a crisis looming over the city's rapidly filling Rapp Road dump, Mayor Jerry Jennings quietly made a deal with the biggest customer to truck in more trash and pay less.

Then, as garbage flooded in from Allied Waste Services, Jennings pushed for additional space at the landfill by expanding it into the Pine Bush Preserve.

In a lesson on the perils of garbage economics, the city -- which has staked its fiscal well-being on millions of dollars earned from the dump -- made a double-edged bargain in May 2005: More trash for cash today while hastening the judgment day when there is no room left at Rapp Road. That day is projected to arrive in 2009.

As the clock ticks, Albany's decade-old plan for a new regional dump in Coeymans is stymied amid opposition from town officials and residents. Chances that the 363-acre site city taxpayers purchased there for \$5.2 million will be ready in time appear increasingly remote.

It's not just a city problem. Eleven other municipalities that form a trash-collecting consortium called ANSWERS -- with nearly 125,000 residents -- rely on the Rapp Road dump and are paying full freight. They will find themselves in a trash dilemma if Albany can't add landfill space.

Last week, the mayor defended his agreement to cut Allied's tipping fee from \$46 a ton to \$38, a 17 percent reduction. The two-year pact came after the company -- the nation's second-largest hauler -- threatened to load its garbage onto trains bound for an Allied-owned megadump in South Carolina.

"Those guys held us hostage," the mayor said. "If we don't have the \$6 million a year that we get from Allied, I have to lay off workers. It would impact the city's budget dramatically. This was a short-term step to maintain liquidity."

Jennings does not need Common Council approval to set dumping fees, or for any other city contract.

Allied dumping shot up after the price break, from 85,000 tons in 2004 to 140,000 tons last year, the equivalent of 11,000 garbage trucks.

The Times Union conducted a computerized analysis of a quarter-million dump bills dating to 2001.

With headquarters in Scottsdale, Ariz., and annual revenues of \$14 billion, Allied operates dumps and transfer stations in 37 states. Garbage hauled to Albany by the company now accounts for almost half of the \$13 million in fees earned annually by the city.

This year, Allied is on pace to dump 175,000 tons, which would account for more than half of all incoming garbage.

"It is like we are running the landfill for the benefit of Allied," said 2nd Ward Common Council member Dominick Calsolaro. "I am amazed this kind of deal was done more than a year ago, when they were out there yelling that we were running out of landfill space and it was an emergency, and we had to expand into the Pine Bush."

"Instead, we should be extending the life of the landfill by taking less garbage. That would be a benefit to the citizens of Albany, who wouldn't have to pay for a new landfill so soon."

Jennings' proposed budget includes \$9 million to expand the landfill in 2008.

Neither Calsolaro nor 12th Ward Council member Michael O'Brien, chairman of the General Services Committee that oversees the dump, knew about the Allied deal before being informed of it by the Times Union.

In response to a question from O'Brien during a budget presentation to the council on Monday, General Services Commissioner Bill Bruce said the city was charging commercial haulers "in the \$60s."

In a subsequent interview with the Times Union, Bruce said he included a line on the Allied rate in a spreadsheet about Rapp Road finances that he had provided to city lawmakers in June.

On Wednesday, the mayor backed his commissioner. "It's not my fault that they didn't read it after they asked for it," Jennings said with a shrug.

Environmentalists, who last year fended off Jennings' first two Pine Bush expansion plans and are battling a third, see double-dealing and a squandered chance for the city to wean itself from trash cash.

"We have been betrayed," said Lynne Jackson, secretary of Save the Pine Bush, which has fought for years to limit development in the unique ecology of sand dunes and

scrub pines left behind after the last Ice Age.

"All the time the city officials have been pleading poverty, saying that they have to have the beautiful Pine Bush because they are running out of space, and behind our backs they make this deal to sell the landfill for half the price," Jackson said.

The deal also caught Rensselaer Mayor Daniel Dwyer by surprise. His city and 10 other communities -- Altamont, Berne, Bethlehem, Guilderland, Green Island, Knox, New Scotland, Rensselaerville, Watervliet and Westerlo in Albany County -- pay \$52 a ton to dump, or about 27 percent more than Allied.

"It's the first that I've heard of this," said Dwyer, when told of it by the Times Union. "I'd have to look into it before I have a reaction." Last month, the mayor blamed Albany dump fees when he backed a hike in garbage pickup bills for city property owners.

Bruce said Albany gave Allied a discount after the dump's second-largest customer -- Houston, Texas-based Waste Management -- discontinued most of its Rapp Road deliveries in early 2005. It was a \$2 million-a-year hit for Albany.

Waste Management now takes nearly all the garbage it collects locally to the second-largest dump in the state, the High Acres landfill, near Rochester. The company still dumps a minimal amount at Rapp Road.

Albany looked to its largest customer to fill the gap. "When we approached Allied Waste about providing us with additional waste, they said they were interested, just not at the price they were paying," said Bruce.

A local Allied official said the company made a good business decision and actually did the city a favor by staying.

"We were literally days away from opening up our rail transfer station in Schenectady when the city approached us about more garbage," said Allied's local manager, Robert Griffin. "We had invested more than a million dollars."

Griffin said the vast majority of the garbage comes from the four-county Capital Region.

Allied could again threaten to leave. The company still has large cranes in place at its transfer station on Weaver Street in Schenectady that can hoist garbage-filled tractor-trailers onto flatbed rail cars.

Griffin said Allied "had no idea" rival Waste Management was pulling its trash out of Albany last year, which gave Allied its leverage over Jennings.

Less than a month after signing the Allied deal, the Jennings administration raised the rate for all other commercial haulers -- including Waste Management -- to \$70 a ton. City Solid Waste Manager Joe Giebelhaus sent a June 13 letter to dump customers blaming the increase on "restrictive" tonnage limits imposed by the state, along with increased demand.

However, the state-imposed daily limit of 1,050 tons at Rapp Road has not changed since 2000.

Bruce defended Allied's \$38 rate as "market driven." But a national company that tracks dump rates contradicts that. In New York, the median dumping fee is \$75 a ton, according to Jay Busbee, a managing director of Chartwell Information Publishers in San Diego.

That rate can be about \$20 less for large customers, but it's been "many, many years since it has been (\$38) in New York state," said Busbee. The Allied rate, however, nearly matches the \$39 median rate charged by South Carolina landfills, according to Chartwell research.

And despite Giebelhaus' claim that demand is up, there is actually a glut of dump space in the state. In New York, eight privately owned dumps had capacity for 39 million tons in 2004, up from 27.5 million in 2000, according to the Department of Environmental Conservation. Part of this increase occurred when Waste Management expanded its High Acres dump. During that same period, 22 municipal landfills saw capacity rise from 40 million tons to 54 million tons.

That extra space could boost competition for trash even more in coming years as both private and public dump owners drop prices to attract a reliable flow of garbage.

At the Capital Region's other large municipal landfill, in Colonie, the lowest rate for large commercial haulers like Allied is \$57 a ton, said Joe Stockbridge, town environmental services director.

"I couldn't afford to do it for \$38 a ton," said Stockbridge. "I'd be losing money or wasting value. Our landfill is a limited resource. You don't want to sell capacity when there is a glut."

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## Waste rates

The city of Albany slashed the fee charged to Allied Waste Services, the largest customer at the Rapp Road dump, while raising the rate for Waste Management. The rate for the ANSWERS communities is unchanged.

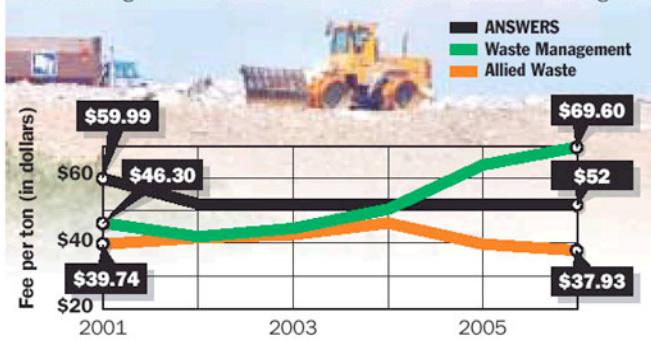


PHOTO BY JOHN CARL D'ANNIBALE/TIMES UNION

Source: Albany City Treasurer's Office

JEFF BOYER/TIMES UNION

# **Foes trash dump contract**

**Save the Pine Bush sets emergency meeting after learning of rate cut**

By BRIAN NEARING, Times Union Staff writer

First published: Monday, October 23, 2006

ALBANY -- Environmentalists, city lawmakers and good-government advocates reacted with anger Sunday after learning of Albany Mayor Jerry Jennings' cut-rate deal to fill the Rapp Road dump.

Save the Pine Bush, which is fighting the mayor's plan to expand the rapidly filling dump into part of the unique ecosystem, called an emergency meeting today to formulate a battle plan.

"People are simply stunned that the city could be so deceptive with this," said Lynn Jackson, secretary of Save the Pine Bush. The group set its meeting for 4:30 p.m. at 223 S. Swan St.

On Sunday, a Times Union investigation revealed the mayor's 2005 deal, which cut dump fees for Allied Waste Services, the dump's largest customer and the nation's second-largest trash hauler, after the company threatened to leave.

As allowed under city rules, Jennings made the contract without informing the Common Council.

"It certainly raises a question on how transparently our government operates," said council President Shawn Morris, who accused the mayor's administration of evading past questions from lawmakers on landfill operations.

Paul Bray, who spearheaded an unsuccessful effort last year to change the city charter to increase the council's power relative to the mayor, said the deal shows the continued dominance of a "patroon psychology" -- named for the Colonial Dutch landlords who controlled all property in the present-day Capital Region. "It always is City Hall's way or the highway," said Bray.

The Allied pact also threw a spotlight on a hot-button national issue with an innocuous name -- flow control, which is as much about money as it is about garbage.

Flow control is the concept of whether disposal of garbage -- and fees charged for it -- will be controlled by private companies, like Allied Waste, or local governments that need garbage to cover the expense of taxpayer-funded dumps, and support less-profitable operations, like recycling.

The U.S. Supreme Court will reconsider the issue under a lawsuit started a decade ago in Oneida and Herkimer counties. Private companies, which make millions from disposing of garbage, oppose flow control, arguing it limits commerce and subsidizes less-efficient municipal dumps.

Allied, which Jennings gave a 17 percent rate cut from \$46 a ton to \$38, is on pace to dump 170,000 tons at the landfill, nearly double what the company did in 2004. That extra garbage comes at a time when the Rapp Road dump is scheduled to fill in 2009, unless the city can expand into the Pine Bush.

The Jennings administration has defended Allied's rate as competitive. But a national company that tracks dump rates contradicts that. In New York state, the median dumping fee is \$75 a ton, according to Chartwell Information Publishers, a San Diego-based trade publication.

It's not just a city problem. Eleven other municipalities that form a trash-collecting consortium called ANSWERS -- with nearly 125,000 residents -- rely on the Rapp Road dump and are paying full freight at \$52 a ton. They will find themselves in a trash dilemma if Albany can't add landfill space.

Opponents of Jennings' proposed new regional dump in Coeymans, ultimately needed by the city to replace Rapp Road, also blasted Jennings.

"This is an unconscionable deal with the devil," said Linda Marshall, who heads a Coeymans residents' group fighting city plans to build a new dump on 363 acres near the state Thruway.

"The mayor is selling out the soul of the city and the beautiful countryside of Coeymans in exchange for a few more years of political life. It makes one wonder what other evils are lurking," Marshall said.

Jennings cut the Allied deal after the dump's second-largest customer -- Waste Management -- pulled out to take its garbage to the company-owned High Acres landfill near Rochester.

The mayor said the city was held hostage by Allied, which threatened to take its garbage to a Schenectady transfer station and put it on railroad cars for a trip to a Allied-owned megadump in South Carolina.

The U.S. Supreme Court, which in 1994 ruled that local governments had no flow control, is taking another look at the issue in a case that started more than a decade ago in upstate New York.

In 2006, a federal appeals court found that a municipal solid waste authority in Oneida

and Herkimer counties could direct local waste into their landfill, which was built in the 1990s using \$51 million in public funds. United Haulers, a group of six private hauling companies, had challenged the rules.

A lawyer who specializes in environmental law said Albany was in a risky situation with Allied because no one knows how the Supreme Court will rule.

"Because there is so much money in waste, it has resulted in a fight over who can control it," said Michael Deiderich, a lawyer in Stony Point, who was involved in the United Haulers case on behalf of the solid waste authority. "If Albany were to gamble, and lose, it would really cost the citizens a lot of revenue."

To a nationwide company like Allied, which had \$14 billion in revenue last year, the \$6 million it will pay this year to dump at Rapp Road is insignificant, Deiderich said. "They are happy to make an example of someone to cower the rest of the municipalities into going along."

Flow control isn't on the radar screen of the state Legislature. On Sunday, Assemblyman Ron Canestrari and Sen. Neil Breslin said they cannot recall any discussion or proposed legislation on the topic.

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# **Garbage politics**

## **Albany gives a hauler a cut rate even as landfill space is running short**

First published: Tuesday, October 24, 2006 Times Union, Editorial

Most Albany residents have long been aware that the city is running out of landfill space. What they didn't know until now is why. It isn't because the city is generating more than its usual amount of garbage, as might be assumed. To the contrary, space is running low because Mayor Jerry Jennings has cut a bargain-basement deal with a large waste hauler that encourages more dumping at the Rapp Road landfill.

That's right. More garbage is pouring in, even as landfill space is running out. The deal, as reported by Brian Nearing in articles on Sunday and Monday, has all the earmarks of desperation. It was negotiated last year to give Arizona-based Allied Waste Services, the city's largest customer and the nation's second highest hauler, a favorable tipping fee of \$38 a ton, down 17 percent from the \$46 a ton the city had been charging. By comparison, the median dumping fee in the state is \$75 a ton, and at Colonie it is \$57 a ton.

The financial incentive has had a predictable impact, with Allied expected to deliver 170,000 tons at the landfill this year, or nearly double what it delivered in 2004.

The lower Albany rate was seen as a necessary move to keep garbage revenue high after Allied threatened to take its waste to South Carolina -- a prospect that could have cost the city \$6 million. Adding to the pressure of the moment was the decision by Waste Management, a Texas-based company, to end Rapp Road deliveries and ship its waste to a Rochester landfill.

Because the reduced fee didn't require Common Council approval, few people outside of the mayor's office seemed to grasp its significance until now. And, not surprisingly, many are upset. Environmentalists are particularly angry because the Jennings administration had proposed extending landfill capacity in the ecologically sensitive Pine Bush. And officials from 11 other communities that rely on the Rapp Road landfill to take their garbage -- under the ANSWERS compact -- now have reason to worry that they might be caught in a bind if the city can't find extra landfill space.

Mayor Jennings says the city had little choice but to strike the deal: "If we don't have the \$6 million a year that we get from Allied, I have to lay off workers. It would impact the city's budget dramatically. This was a short-term step to maintain liquidity."

But that's precisely what's wrong with this arrangement. It is a short-term step that allows the mayor to ignore a \$6 million structural deficit that needs to be addressed sooner rather than later. Balancing the budget on landfill fees is a garbage solution.

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# **Trading smell of trash for cash**

## **Plan would convert landfill gas at the Rapp Road dump**

By BRIAN NEARING, Times Union Staff writer

First published: Wednesday, November 15, 2006

ALBANY -- The city is taking another stab at turning the chronic stink at the Rapp Road dump into cash.

On Tuesday, General Services Commissioner Bill Bruce told a panel of city lawmakers that the city is weighing a deal with Siemens Building Technologies, a multinational corporation, to turn landfill gas into compressed natural gas, which could be sold to power converted trucks.

Bruce said the project could put \$500,000 a year into city coffers over the next two decades and reduce the stench and greenhouses gases that have been escaping from the dump.

It was Bruce's first appearance before the council's General Services Committee, which oversees the dump, since the Times Union reported last month that Mayor Jerry Jennings reached a cut-rate deal in May 2005 to fill the dump.

Allied, which Jennings gave a 17 percent rate cut from \$46 a ton to \$38, is on pace to dump 170,000 tons at the landfill, nearly double what the company did in 2004. That extra garbage comes at a time when the Rapp Road dump is scheduled to fill in 2009, unless the city can expand into the Pine Bush, a move opposed by environmentalists.

None of the lawmakers asked Bruce about Allied, even though after the contract with Allied Waste Services became public, several said they were upset about being kept in the dark by the Jennings administration.

"I tried talking to Bill before about it and he got sore, so I figured it wasn't worth it," said council member Dominick Calsolaro, who represents the 2nd Ward.

Committee Chairman Michael O'Brien, of the 12th Ward, said the council was "happy it doesn't have to make the hard decisions on Allied Waste." The company pays the city about \$6 million a year to dump garbage, and there are no viable alternatives, O'Brien said.

On Tuesday, Lynn Jackson, secretary of Save the Pine Bush, which has been fighting the city's efforts during the last year to expand the dump farther into the Pine Bush, said it was outrageous that lawmakers didn't question Bruce about the Allied deal,

which is set to expire in May 2007.

Instead, the committee listened to Bruce talk about the Siemens landfill gas project. He said the company was one of four to respond to a request for proposals issued by the city this year on how to deal with landfill gas.

The city already has a methane-powered electrical generation plant at the landfill, but the project, run by Minnesota Methane, has been plagued with problems.

In August, the state Department of Environmental Conservation fined the city \$50,000 for failing to control the stink and ordered the city to make expensive improvements to an underground gas piping system.

Bruce said Siemens already has received interest in buying the landfill's compressed natural gas from Sysco Food Services of Albany. "The company is interested in converting their fleet of trucks to run on the compressed gas," Bruce said.

Siemens runs a similar landfill gas plant in California. "We have plans to visit it," he said.

In 2004, Gov. George Pataki went to Hudson Valley Community College to unveil a Siemens project to convert methane gas from a former Troy landfill into electricity.

The New York State Energy Research and Development Authority contributed \$550,000 to the project, and the state's Department of Environmental Conservation is expected to provide another \$2 million. Siemens Building Technologies was expected to get paid from the \$900,000 in annual energy savings college officials anticipated from the plant.

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## Dump hearing to target vile odor

Colonie Village mayor will present petition against expanding Rapp Road site

By BRIAN NEARING, Times Union Staff writer

First published: Tuesday, February 20, 2007

ALBANY -- Environmentalists and neighbors will square off against city plans to expand the Rapp Road dump into the Pine Bush during a public hearing Wednesday.

Colonie Village Mayor Frank Leak already knows what he is going to say. "What are they going to do about the smell?" the mayor asked Monday. "I'll be at the hearing with my attorney and some of my board members. We are going to keep fighting this."

Complaints about vile odors wafting off the dump have gone on for years. In August, the state Department of Environmental Conservation fined the city \$50,000 for failing to control the stink and ordered expensive improvements to an underground gas piping system.

In May 2005, DEC fined the city \$50,000 for dump odors, for allowing garbage into drainage ditches and for allowing leachate -- a liquid formed by rotting garbage -- to collect on the ground. And in 1996, the city was fined \$2,500 for odors at the dump.

Leak said he will submit a petition Wednesday signed by more than 100 people who oppose the latest expansion of the dump, which is near the city's border with the village of Colonie at the edge of the protected Pine Bush Preserve.

Wednesday's hearing is scheduled for 7 p.m. at the Polish Community Center on Rapp Road at Washington Avenue Extension.

Save the Pine Bush, an environmental group that opposes development in the area, also is working to rally opponents, said Lynne Jackson, the group's secretary.

"We've been leafleting the neighborhoods for the last couple of weeks. We have handed out thousands of fliers," she said. "It is amazing that the city wants to expand the landfill when it stinks so bad. And the odors are getting worse."

Under the proposal, the dump would be expanded eastward into the area around the current transfer station and would also require the use of about three acres of state-owned pine barrens that are not part of the preserve.

The expansion would add seven to eight years' capacity to the dump, which accepts garbage from private haulers and the communities in a consortium that includes Rensselaer, Watervliet, Berne, Bethlehem, Guilderland, Knox, New Scotland, Rensselaerville, Westerlo, Green Island and Altamont.

The city is racing to come up with a plan to expand the dump before it fills up, possibly as early as 2009, which would spawn a garbage crisis in the city and region.

Two earlier expansion proposals, one into the grounds of the nearby Fox Run Estates mobile home park and another into the protected preserve, were dropped after running into vocal opposition.

Jackson said the new plan betrays a 2000 deal between the state and city that kept the massive Drumlin Fields office complex from being built along Rapp Road. Under that agreement, the developer traded 45.8 acres to the state for the Pine Bush Preserve and in return received a 19-acre parcel off Washington Avenue.

The three acres being sought by the city are part of the 45.8 acres. At the time, the move was hailed by then-Gov. George Pataki, Mayor Jerry Jennings and environmentalists as a way to save the Pine Bush from development while accommodating economic growth in the city.

Brian Nearing can be reached at 454-5094 or by e-mail at bnearing@timesunion.com.

### **Growing concerns**

What: A public hearing on the city of Albany's plan to expand the Rapp Road dump

Where: Polish Community Center, Rapp Road and Washington Avenue Extension

When: 7 p.m. Wednesday

Information: William J. Clark at the state Department of Environmental Conservation, 357-2069.

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# **Albany landfill expansion stalled**

**DEC holds up plan's approval until city does serious study of alternatives to use of Rapp Road dump**

By BRIAN NEARING, Times Union Staff writer

First published: Saturday, June 7, 2008

ALBANY -- The city must face something it has long avoided -- what to do with garbage from 220,000 Capital Region residents if the state blocks expansion of the city dump in the environmentally sensitive Pine Bush.

The state Department of Environmental Conservation has ordered Albany to plan for dumping garbage somewhere else in case the expansion plan is rejected and that order comes as the city faces a ticking clock -- its Rapp Road dump is expected to be full by the end of next year.

Without the expansion, there will be no place for garbage from Albany and 11 other Capital Region communities. Environmental groups that have been fighting the expansion said the state was sending the city a signal to stop treating garbage as a cash cow.

Bill Bruce, the city's recently retired general services commissioner who is now working as a consultant, said he was "surprised at the tone and the extent of the comments" by DEC, but added the city can revise its plans and get state approval for the expansion before the current dump is full.

DEC branded the city's proposed new waste disposal plan -- required under efforts to expand Rapp Road -- as "deficient" in a May 27 letter from Division of Solid and Hazardous Materials Director Edwin Dassatti.

Under the proposal, the dump would expand eastward into 15 acres, including 3 acres of state-owned pine barrens that are outside of the protected Albany Pine Bush Preserve.

Dassatti wrote that the city must plan for dumping garbage elsewhere if the Rapp Road expansion does "not receive approval by the time capacity is exhausted."

Mayor Jerry Jennings has been pushing hard for the expansion, saying the city faces a financial crisis without the \$13 million it gets in trash fees each year.

Also relying on Albany's dump are Rensselaer, Altamont, Berne, Bethlehem, Guilderland, Green Island, Knox, New Scotland, Rensselaerville, Watervliet and

Westerlo.

Dassatti also ordered the city to offer plans to extend the life of the current dump by taking less garbage from commercial haulers. That could affect Allied Waste, a major garbage company that got a cut-rate dumping contract from Jennings last year. Taking less waste would mean less money for the city.

Dassatti also chided the city and the other communities for doing too little to recycle.

And he said the Jennings administration was misleading when it argued the Rapp Road expansion is needed because there is not room at other dumps in the state. "Landfill capacity is not lacking in New York state," Dassatti wrote.

Jennings' office referred questions to Bruce. "If the expansion doesn't go through, it is lose-lose for everyone," said Bruce. "It will be financially disastrous for the city, the Pine Bush Preserve Commission won't get its share of (dump) fees and the state won't get its recycling plan."

Said Lynne Jackson, secretary of Save the Pine Bush: "We begged Common Council in 2006 and 2007 to hold hearings on what to do with the garbage, but they closed their eyes and ignored us. This a disaster for the city, but they should have listened to the citizens."

Opponents of a stalled city plan to build a sprawling dump in Coeymans welcomed the state action. "Seems to me that DEC is telling the city that it is time to get out of the garbage business," said Jim Travers, a member of Selkirk Coeymans Ravana Against Pollution. "I feel good about this."

A city lawmaker said Albany must change but cannot come up with new plans before the Rapp Road dump is full. "The state is giving us a kick in the ass to do it," said Michael O'Brien, chairman of the Common Council's General Services Committee. "But don't expect the impossible."

O'Brien said the city "has gotten addicted to the (garbage) money," adding, "Is there going to be a financial crunch? Yes, there is."

Brian Nearing can be reached at 454-5094 or by e-mail at bnearing@timesunion.com.

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