



SOLID WASTE LANDFILL SITING

S.227 (Larkin, et al)

A.1152 (Gunther)

Summary

This bill would amend the environmental conservation law to require that the Department of Environmental Conservation (DEC), in its promulgation of rules for siting landfills, take into account: (1) any impact on drinking water sources, (2) the opinion of the localities most affected, (3) the presence of other such facilities in the area (to address the possibility of over concentration), and (4) municipal land use and zoning restrictions and the natural character of the vicinity.

Explanation

When a facility for handling trash – particularly a landfill – is sited or expanded in a region, the potential for negative impact is enormous. Beyond the obvious risk of such things as obnoxious smell, unwelcome parasites like rodents and insects, blowing litter, equipment noise, and increased truck traffic, there are numerous environmental hazards that are more subtle and widespread. Among the most serious is the threat to aquifers, which is one of the most common ways that the environmental implications of burying waste are distributed far beyond the actual host locality. But New York’s home rule principle can often mean that a locality can make a deal with a large corporation for siting or expanding a landfill, and effectively cut other affected communities (e.g. the host county or neighboring towns) out of the oversight process. Such a situation invites mischief and the disenfranchisement of communities with a great deal at stake.

Current law is inadequate in its direction to DEC for siting criteria and permit procedures. Only agricultural land, floodplains, endangered species and narrowly defined reservoirs are specified in statute and accompanying regulations as factors that need to be considered in the siting process. Sole source aquifers are not specified and there is no language that would require reasonable community comment and oversight.

This bill seeks to correct this by requiring the DEC to take into account comments and objections, as well as local land use restrictions, from localities that are “near” the proposed facility or expansion. And while this would not provide any enforceable statutory relief, it would improve the chances for significantly affected municipalities to influence the decision making process.

Environmental Advocates of New York supports this bill.

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