

# ENVIRONMENTAL MANAGEMENT COUNCIL

February 23, 2010  
Mayville, New York

**Members Present:** Doug Conroe (Chair), Dave Wilson, Claire Quadri, Randy Peterson, Bob Sundell, Harry Centner, Kim Sherwood

**Others Present:** Bill Boria, Christine Kinn

## 1. CALL TO ORDER

The meeting was called to order at 4:33 p.m.

## 2. JANUARY MEETING MINUTES REVIEW

Dave Wilson moved, and Bob Sundell seconded, to accept the minutes as written. All ayes.

## 3. CONTINUING BUSINESS

### CHAUTAUQUA LAKE WATERSHED ACTIVITY

Signs –

Doug Conroe brought a prototype 32”x55” sign w/ 5-inch letters. Once final design is decided they will be printed up and DPW would install them on county roads where crossed by the Chautauqua Lake watershed boundary.

Plan status

Rick Constantino is sending committee comments by Friday, February 26<sup>th</sup>. Chris announced that a new land cover map from 2005 conditions was delivered by consultant.

WEMO

Kim Sherwood announced he will be doing a presentation on March 6<sup>th</sup> at the Annual Rural Landowners Workshop at Yorkshire in Cattaraugus County. Open to any landowner in western NY.

NYSDEC Environmental Notice Bulletin (ENB)

- 303(d)-Chautauqua Lake listed for nutrients. Some discussion of listing for arsenic as well. No action taken.
- McCutcheon gravel pit – vineyard property. No comment.
- Pheasants & geese – distinction between resident and migratory geese.
- Taylor property – Dave Wilson is aware of the project.

COAL ASH

Coal Ash – Claire -advertisement distributed. Ash testing. Can't now speak to comparison standards and didn't have the comparative tables with her. Probable levels greatly exceed water MCLs. Not a good way to compare measured values with environmental risks. Dave Wilson said the towns were told by DEC they can spread it but can't store it. Claire said it doesn't meet the definition of hazardous waste, but still some ambiguity about setting. Coal ash not currently regulated either. Storage use, 'leaching, contamination' issues currently may fall between the cracks. Leach test of material didn't result in leaching action—thus would make sense that groundwater standards wouldn't be exceeded. However, Claire said that dust was probably more of a concern than water contamination. Claire thinks it's analyzed somewhat individually by user (e.g. NRG). Bill Boria thought that the Beneficial Use Determination may be specific to NRG's material. Claire is waiting for the solid waste revisions.

Any hearings on the matter would be publicized in the ENB. Randy Peterson said that BPU currently ships its fly ash to Ohio.

#### COMPREHENSIVE PLAN

Chris reported that there was good attendance at both meetings on February 10<sup>th</sup> and 11<sup>th</sup>. Close to half the Legislature attended. 17 focus group meetings were held on February 11<sup>th</sup> and 12<sup>th</sup>. The next set of meetings will probably be held in May. There were many comments about too many levels of government. Some focus groups had different perspective on their topic than what the community expressed in public meetings. Examples included shared government services and education. Some towns informally share highway resources and have done it for years but without formalized agreements, so the public isn't always aware. The education group's perspective is that students are well prepared. The public view is that many students are graduating without the basic requirements to enroll in colleges. The situation was similar for health care perspectives. Environmental considerations often ranked high in the public groups (open space, water, views, rural nature, etc.). WRT will draft 'vision statement' for the County, and develop a 'scan' that reflects comments acquired in public meetings.

Voting done as part of the exercise in public meetings won't necessarily limit perspective on incorporating things that weren't voted on. Papers that were done by focus groups will be utilized by the consultants.

Bill Boria raised a concern about the list distributed by Mark Geise for the Environmental/Waste group. Those comments were compiled by Rob Kerns (WRT) as he monitored the focus groups by phone and, as Bill recalled, the WRT comments didn't appear to match the statements recorded by Planning staff at JCC. In addition, Bill said that Christine Humphrey and some of their group are concerned that by voting on the items as Mark was requesting, the message may be 'diluted' or changed since it will be a 'reduction' of the 'larger paper'. They are also concerned about how results are tallied—rank and vote for top 3—in a focus group would not be equivalent to the voting in a general public meeting. The members suggested that the consultants utilize the paper that was written up by the focus group and Chris said she would work to see that was done. There was no formal action taken.

#### MARCELLUS SHALE GAS

Kim: no change in NY. Pennsylvania is now reusing the water. NY DEC has funded an additional 30 employees specifically to cover issues related to Marcellus Shale.

#### WIND

Claire announced that the Westfield / Ripley wind developer (Pattern Energy) would be presenting their DEIS to the towns tomorrow. This project would be for an 83-turbine proposal. Claire will forward the link when one is posted. DEIS includes additional research as per DEC requirements. This project will be precedent-setting for the County.

Chris said she tried to get more specific information on the NYS Thruway Authority's RFI but would have to log in with business number on the web site. The proposed project seems to be for non-industrial scale for all the exits in Chautauqua County. Discussion followed. The Thruway Authority may be exempt from zoning, etc. and some of the spatial / setback limits. RFP will most likely be out in the summer. TA would be lead agency. Claire mentioned a

Tug Hill wind project that was done under Empire Zone, then those incentives taken away because of some shadiness regarding eligibility under Empire Zone.

Some discussion of modular nuclear reactors. 120 MW for ~ 700MM. May start in 2018. Idea is to take a modular approach to electrical generation and adjust accordingly based on demand. Fuel storage would be done at the site for over 60 years. Other attempts / discussion to utilize 'spent' fuel as an energy source. Modules would be cooled by air.

#### 4. **OTHER BUSINESS**

Wetland Mitigation Banking – Wetland Creation – Chris spoke about a project she was once involved with in Greece NY and the difficulty in creating / replacing equivalent landscapes. Consider policy implications in future EMC meetings. Mitigation requirements often have performance requirements related to the value and function of the wetlands. Someone mentioned that the County landfill's new cell will require wetland mitigation.

Wetlands Conference – NYSWF April 28-29, in Buffalo  
Chautauqua SWCD will run 4-hour training course for ESC on March 30, 1 – 5 PM for \$50.  
Stormwater Conference in Buffalo March 25.  
2% Funding applications will be out soon.

#### 5. **ADJOURNMENT**

Dave moved to adjourn and Kim seconded. The meeting was adjourned at 6:30 p.m.

**The next meeting will be held on Tuesday, March 16, 2010 at 4:30 p.m. in the  
CCIDA Board Room in Jamestown**

(Notes compiled by Kim Sherwood and C. Kinn)