



Environmental Justice Meeting  
Video Conference  
June 4, 2020, 7:00 p.m. to 10:00 p.m.

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Project: Rensselaer Engineered Fuels Solid Waste Processing Facility  
36 Riverside Avenue, Rensselaer, NY  
DEC #4-3814-00084

Attendance: Rensselaer Resource Recovery, LLC (Applicant)

- Dennis Soriano
- Emily Dyson

Sterling Environmental Engineering, P.C. (Applicant's Consultant)

- Andrew Millspaugh, P.E.

The West Firm, PLLC (Applicant's Attorney)

- Tom West

GPI (City of Rensselaer Engineering Review)

- John Montagne

New York State Department of Environmental Conservation (NYSDEC)

- Nancy Baker
- Kate Kornak

City of Rensselaer

- Representatives of Rensselaer Environmental Coalition
- Representatives of Advocates of a Clean Environment.
- ± 20 Public Participants.

Other

- Representative of WOOC 105.3 FM Troy News Media
- Representative of Energy Justice Network

Summary of Meeting Content:

The meeting began with introductions by the Applicant and the showing of a video that described the project technology and included testimonials of community members in proximity to an operating facility in Martinsburg, West Virginia. Following the video, the Applicant discussed the site location and the proposed site development. John Montagne of GPI then gave an overview of the City's review process for the Site Plan including traffic and development in the floodplain. GPI was a hired independent company that performed a technical review of the proposed project on behalf of the City. The meeting was then opened to public comment and an open dialogue continued for approximately 2.5 hours between meeting participants and the Applicant. Meeting attendance had a similar turnout compared to the first public meeting (~20 public participants), and discussions centered around similar topics (permitting process, project location, traffic, and odor). During the 15 day comment period following the meeting, written comments were received from Riverkeeper and separately copied to NYSDEC.

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Summary of Comments and Questions:

1. Project Permitting
  - a. General concern that Environmental Impact Statement is not being required.
  - b. Were the Planning Commission approval meetings properly noticed and are the approvals expired?
  - c. Did the Planning Commission issue a conditioned negative declaration?
  - d. General concern about ease of access to project permit documents.
2. Facility Operations
  - a. What cement plant will SRF be sent to, and are there plans to send SRF to the LaFarge plant in Ravena, NY?
  - b. Are air emissions data available from cement plants that use SRF?
  - c. How much waste will be received and how much of the waste will be produced into SRF versus material removed for recycling and material for landfill disposal?
  - d. Which landfill will the waste portion be sent to?
  - e. Is the process modular and scalable for possible future expansion?
3. Location
  - a. How many residences are within 0.5 mile of the site?
  - b. General concern about development on the BASF property and proximity to the Hudson River.
  - c. Why did the Applicant abandon plans for a facility located in Orange County?
4. Community Impacts
  - a. What is the status of the Host Community Agreement?
  - b. How is noise and odor monitored?
  - c. Is the negative pressure system monitored, and what happens if the system fails?
  - d. General concern with associated truck traffic.

Applicant's Response to Comments and Questions:

## 1. Project Permitting

- a. The project has undergone extensive environmental review. The City review occurred over a six month period with several public meetings and supporting studies supplementing the Full Environmental Assessment Form. Throughout this review period, the City provided detailed technical review comments through its hired engineering firm. To respond to the City's review comments, local subject matter experts were retained for specific topics of concern (e.g., traffic, flooding). Based on the review record, the City as Lead Agency determined that the proposed action will not have a significant adverse environmental impact.
- b. The Planning Commission held a special meeting on August 27, 2018 and passed resolutions granting a Special Use Permit, Final Site Plan Approval, and a SEQR Negative Declaration. To ensure there were no irregularities with public notice requirements for the August meeting, the Planning Board reaffirmed the project resolutions during the regular meeting on September 10, 2018. Planning Commission approvals typically expire after one year from the date of issuance; however, project-specific circumstances allow the approvals to be extended provided there is no substantive change to the project or new law that would impact the project.
- c. The Planning Commission's Negative Declaration described the various studies and reviews that were performed as well as the responsibilities of other involved agencies, all of which supported the Planning Commission's determination of significance. The Planning Commission did not issue a conditioned Negative Declaration.
- d. Electronic copies of project permit documents are available at the following locations:
  - <https://www.dec.ny.gov/permits/120568.html>
  - <http://biohitechrrr.com/>
  - <https://www.sterlingenvironmental.com/cms/industry-news>

## 2. Facility Operations

- a. The Rensselaer facility plans to contract with cement plants located in the Pennsylvania Lehigh Valley, such as LaFarge Whitehall and Hercules Allentown. A letter of intent has been executed with Hercules Allentown that was included in the NYSDEC permit application. A final contract will not be entered into until permits are received. The project has no current plans and has had no discussions to contract with LaFarge Ravenna. If future conditions allow for LaFarge Ravenna to be a viable offtake location, discussions for an offtake contract may occur at that time.
- b. The project team does not have air emissions data from cement plants that receive produced solid recovered fuel (SRF) from the West Virginia facility. To the extent that cement plants collect and report such data to regulatory agencies, the public may obtain emissions data through a freedom of information request.
- c. The Rensselaer facility will receive approximately 130,000 tons per year of municipal solid waste and approximately 20,000 tons per year of light commercial and industrial waste. Of the 150,000 tons per year of received waste, approximately 42-47% becomes SRF, approximately 30-35% is weight loss through moisture evaporation and biological oxidation, approximately 10% is recovered recyclables (i.e., metals and glass), and approximately 15% is inert residuals for landfill disposal (i.e., soil and rock). Paper and plastic recyclable material contained in

incoming waste goes into SRF production due to its energy value. Metal and glass are removed for recycling or beneficial use. Inert residuals typically go to a landfill for beneficial use as alternate daily cover.

- d. At this time, a landfill has not been selected for delivery of inert residuals requiring disposal or use as alternate daily cover. Once permits are received and a construction schedule is developed, the project will pursue offtake contracts for produced SRF and inert residual disposal.
- e. The biological treatment process is not modular allowing for simple expansion. Each facility is designed specifically for a target capacity, which in this case is 150,000 tons of received waste per year. For comparison, operating facilities in Europe range from 40,000 tons per year to 300,000 tons per year. To expand production capacity at the Rensselaer facility, a parallel treatment line would have to be constructed, which would be a large expense. Further, environmental review and permitting does not allow for segmentation of a project, and an expansion would be subject to entirely new permits and a renewed environmental review process. Given these considerations and current market conditions, the proposed project has been developed for the optimal target throughput. If conditions change in the future where the benefits of a facility expansion outweigh the costs, an expansion may be considered.

### 3. Location

- a. As part of the NYSDEC permitting process, the project is complying with Environmental Justice guidance for enhanced public participation. This process includes preparation of a Public Participation Plan that outlines procedures for disseminating project information and holding public meetings. The project prepared and sent direct mailings to 221 addresses including residences located within 0.5 mile of the project location, community groups, and media outlets. The mailings included a project fact sheet describing the project and where to find additional information, where and how to submit comments/questions, and information for upcoming public meetings. Mailings were distributed in advance of the February 25<sup>th</sup> public meeting held at City Hall, the March 26<sup>th</sup> meeting that was cancelled, and this virtual public meeting. Each meeting was also noticed in the print and electronic edition of the Times Union.
- b. The project team specifically met with NYSDEC Division of Environmental Remediation personnel on December 17, 2018 at NYSDEC's Region 3 office to review requirements to comply with the Site Management Plan (SMP) for development on the BASF property. The SMP includes an Excavation Work Plan (EWP), which is a governing document to manage future activities at the BASF property. The SMP is specifically prepared to guide future development and includes requirements for handling/stockpiling, waste characterization, and sampling protocols. As required by the SMP, a Change of Use notice will be made to the NYSDEC Project Manager at least 60 days prior to construction. This notice will include a site-specific Work Plan that details how the ground intrusive work will be performed to comply with the SMP (e.g., stockpile locations, dewatering plan, selected disposal facilities, health and safety, community air monitoring). Intrusive work will not begin without approval by NYSDEC.

The project Site Plan established a finished floor elevation for the Facility in consideration of requirements of the Community Risk and Resiliency Act, 6 NYCRR Part 490, and the City of Rensselaer Flood Damage Prevention Law with respect to proximity to the Hudson

River. The Draft New York State Flood Risk Management Guidance for Implementation of the Community Risk and Resiliency Act (June 2018) provides general guidelines that construction of new Non-Critical Facilities located in tidal areas should be a minimum of two (2) feet above the medium sea-level rise projection to the base flood elevation. The August 10, 2018 Hydrologic & Hydraulic Study prepared for the project established a base flood elevation of approximately 19.3 feet at the BASF property. The tidal influence of the Hudson River at the project location was reported to be approximately 0.56 feet. 6 NYCRR Part 490 indicates a medium sea-level rise projection for a 2050 (i.e., 30 year facility service life) of 14 inches (1.2 feet). This results in an adjusted base flood elevation of approximately 21 feet. The design finished floor elevation of the Facility is at 24 feet, which provides more than two (2) feet of freeboard as recommended in the NYSDEC Draft Guidance.

- c. The Applicant attempted to develop a site downstate in Orange County, but abandoned plans when development cost projections increased to the point that the project was no longer viable. The downstate location differed from the Rensselaer location in that it was a greenfield and had steep slopes making for difficult construction.

#### 4. Community Impacts

- a. The project has negotiated a preliminary Host Community Agreement with the City. Both parties agreed that no final action would be taken until NYSDEC permits were received. The agreement will then go before the Common Council for public comment, modification (if necessary), and approval. The preliminary agreement includes a per ton fee that the city will receive for every ton received for the entire life of the facility.
- b. Noise and odor will be monitored daily at the property line as part of the facility's operational procedures. Based on experience at the West Virginia operating facility, noise is comparable to background conditions and odors are not perceptible.
- c. The facility's negative pressure system relies on blower fans to remove air from inside the facility for treatment through a biofilter prior to exhaust to the atmosphere. The system is designed to function with half of the blower fans out of service to allow for regular maintenance without compromising the function of the system. The air removal and treatment system is part of a daily operational inspection checklist.
- d. The independent traffic evaluation report indicates that projected facility traffic is within the capacity of existing street infrastructure, both in terms of vehicle type and quantity. Trucks servicing the facility access the Port of Rensselaer through the designated entrance and exit route along the Irwin Stewart Port Expressway. The facility is sized to receive a specific quantity of waste that will be received from specific contracted haulers. The facility will not be open for anyone to deliver material to. The garbage trucks will be standard packer trucks that perform curbside collection of MSW for the purpose of delivering MSW to the facility. The tractor trailers will be standard semi-trailers with trailer lengths up to 53 feet for the purpose of distributing produced SRF and recovered recyclables from the facility process. Standard tanker trailers will remove wastewater for offsite treatment if the facility does not connect to the City sewer system. No oversized or overweight vehicles will service the facility.