

CHARLES HAKE, DUANE HAKE, JOHN, CHARLES FRANK, MARY SHANNING, MARY
Hallinan, Bill Hallinan, Wayne Crosier, Patsy S., Michael Griffin,
Beth Hylem, Brad Turner, Wayne Wells, John Culver, Joseph Seeley

Speakers: Stanley Manning, C.K. Landis, Frank Potter, Rachel Treichler, Gene Stolfie, Mark Abdalla, Lynne Wetheriel, Karen Vaughn, Bill Mattingly, Karen Biesanz, Marryalice Little, Hannah Little Waschezyn, Lt. Col. Gordon Hakes, Bill Hallinan, Mary Hallinan, Hal Bauer, Gary Miller, Brian Guilfoyle, Diane Guilfoyle, Denise Thompson, Marcia Webber, Wayne Wells

Compliance with Open Meetings Law.

The meeting was called for the purpose of hearing public comment on Town of Campbell Local Law No. 1 of the year 2019

“A local law to amend the Zoning Law of the Town of Campbell to establish a Non-Residential Planned Development District” .

Notice of this meeting was emailed to The Leader on February 21, 2019 and said notice was also posted on the Town Clerk’s sign board in the Town Hall and on the Town’s website.

Call to Order/Pledge /Roll Call.

Jeffrey Horton called the Public Hearing to order at 7 p.m. at the meeting room of the Campbell Town Hall and led the pledge of allegiance. The Town Clerk then took roll call.

Comments from Members of the Public

Discussion was had regarding concerns around the expansion of the Hakes C&D disposal site. A summary of those concerns follow. Written comments from those who submitted their statements are attached and available to view in the Town Clerks office.

- More time for testing is needed
- Too much conflicting data on radioactive material
- Costs associated with cancer care
- Drilling waste being accepted into landfill
- Test results from the site are intermittently higher than others
- Samples from the site may not have been handled properly
- Trucks not maintained that use the road, breakdowns block the road
- Truck Traffic in a residential area, traffic laws not being obeyed
- Increases in truck traffic, do they obey traffic laws while on the State Highways
- We sit at the headwaters of the Chesapeake Bay and waste could be flowing downstream where it could affect drinking water and Florida Manatees
- Odors from the site can be detected from 2 miles away under the right circumstances
- Suggestions that an independent study is done to ensure reliability of test results
- Quality of liners
- Air and water pollution
- Casella’s own data shows there is issues with the site
- Testing equipment is not sufficient to test materials coming into the site
- Risks to Emergency personnel called to the site
- Issues at other Hakes C&D sites
- Jobs lost by closing the site could be regained in solar and wind energy
- Neighbors moving away
- Long term health affects
- References to an article in the Penn Yann Cornicle from February 16, 2019 about a separate Hakes C&D landfill

Adjournment.

There being no further business before the Board, the meeting was, upon motion by John Tschantre and seconded by James Drumm, adjourned at 8:15 p.m.

Respectfully submitted,



MICHELLE L. SEELEY
Campbell Town Clerk

DATED: March 8, 2019

Michelle Seeley

From: chall1@campbellny.com
Sent: Friday, March 1, 2019 4:00 PM
To: JEFF HORTON; MICHELLE SEELEY
Subject: FWD: New Form Entry: Contact Form

----- Original Message -----

Subject: New Form Entry: Contact Form

From: ""karenb@stny.rr.com"" <no-reply@editmysite.com>

Date: 2/28/19 6:00 pm

To: chall1@campbellny.com



You've just received a new submission to your Contact Form.

Submitted Information:

Name

Karen Biesanz

Email

karenb@stny.rr.com

Comment

Campbell Board Meeting, Feb. 26, 2019

Hake's Landfill's OWN tests revealed that its leachate contains dangerously high levels of radioactivity, radon and radium in particular.

Over a million picocuries of radon have been detected. By comparison, NYS considers it dangerous to have just 4 picocuries in your basement.

At one point, Hake's said the fracked rock being deposited there had not triggered the radiation detector, yet somehow high levels of radiation were slipping through. How can this be explained? Well, although radiation detectors are now mandatory at landfills that

accept fracking waste, they are not always adequate for the job. The NYS DEC should require detectors to have specific capabilities. If the decision is left to the landfill operators, they may choose detectors with the wrong technology. Hake's detector, according to its manufacturer, is designed mainly to detect gamma waves, not the more harmful alpha and beta particles which require special detection equipment.

After recognizing the dangers of radiation and the toxic chemicals used in fracking, at least 14 NY county legislatures have banned fracking wastes from landfills. That says a lot doesn't it?

Ultimately, when we talk about radiation, our chief concern is about health. IN your host agreement with Hake's, you acknowledge this when you specifically state that the landfill may not accept radiated materials. Radiation can cause cancer. Radon can cause lung cancer. The lung cancer rate in the Town of Campbell is already more than 50% above what is expected for males according to the NYS Cancer Registry. The same holds true for Painted Post and Corning a few miles downwind and downstream from Hakes. So why would anyone want to make things worse?

AARP estimates the annual cost for cancer treatment is \$150,000 per patient partly because of expensive new drugs. Plus there are added costs like special diets, transportation, and childcare. Not everyone is insured and many are underinsured, sometimes bankrupted, unable to pay taxes.

Before taking a vote on Hake's request, please have further testing done and get more answers. And while you're at it please do a cost-benefit analysis to see if the host agreement fee you collect is really worth the pain and suffering it may cause your neighbors and loved ones.

Perhaps you will decide, in all good conscience, not to extend the life of this landfill if you learn, that by doing so, you may shorten the lives of those in your community.

Thank you.

Karen Biesanz
Corning, NY

February, 26 2019

Campbell Town Board
8529 Main St.
Campbell, NY 14821

Council,

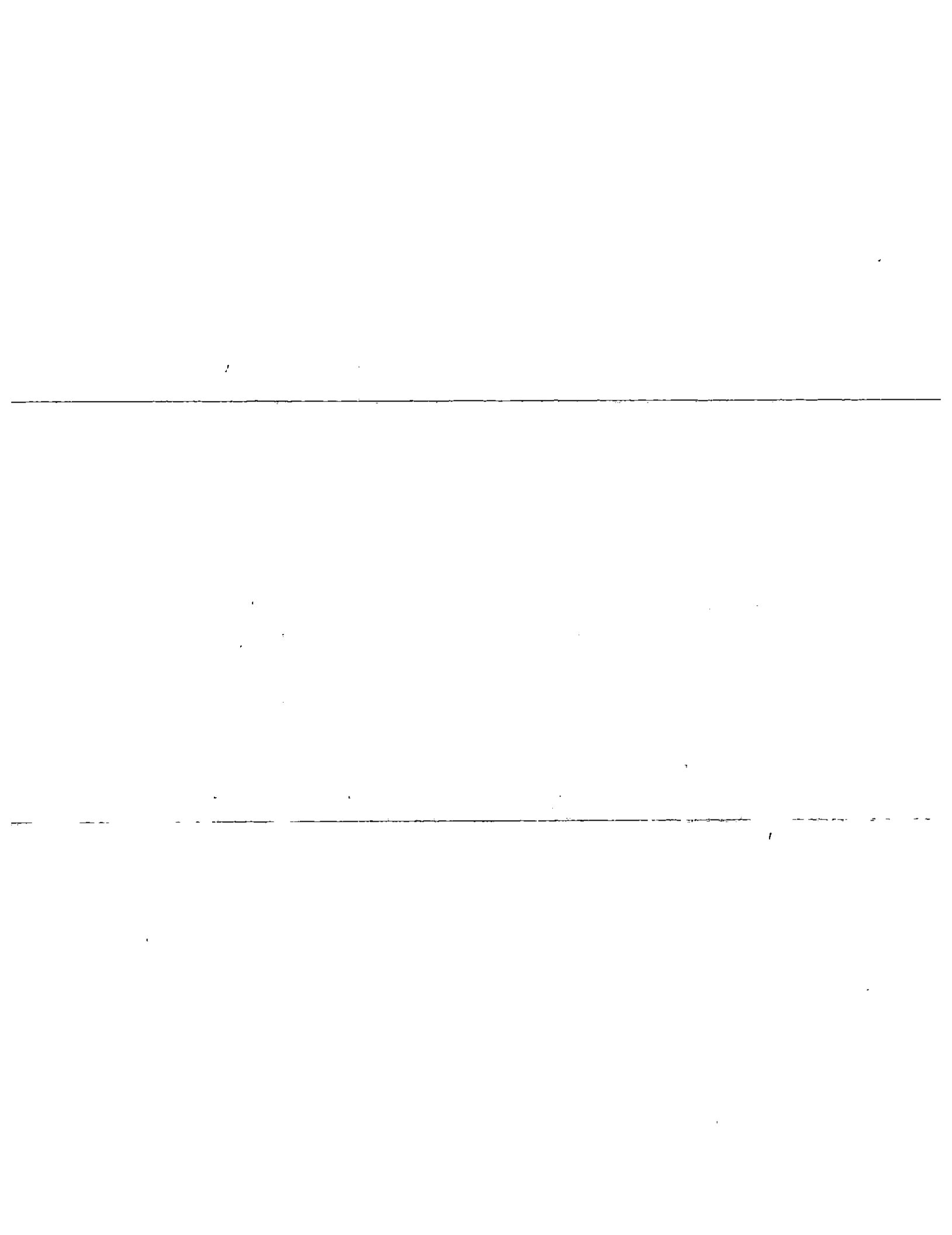
The exhibits presented by the Sierra Club suggest to me that this expansion is potentially hazardous to the at least the Town of Campbell's clean air and clean water. I appreciate the care the subject has been given, but I think that all manner of caution is merited when we're talking about what we all need in order to survive: air and water. If this landfill is permitted to expand and accept more hydraulic fracturing waste, that Chemung County Landfills have shown to be a cause of outstanding radon levels, then the impact can only expand. My parent's property is where I retreat for a breath of fresh air (when it is not smelling of sulfur from the Hakes landfill), and the water is the best I've ever had. The fear that threats to our air and water might be overlooked or disregarded brings me here to contribute. I urge you to insist upon further testing of dispersal pathways.

Appreciatively,



Hannah Mathilde Little Waschezyn
Former resident and expected future recipient of my parents' property:
9949 Woodcock Rd, Painted Post, NY 14870.
156 Watauga Ave
Corning, NY 14830

P.S. It is my understanding that one of the nearby residents moved one hill over because they love where they live but a family member got terribly sick living down wind and down hill from the land fill, taking in the sulfur smell.



Town of Campbell Hearing on Hakes Rezoning and FSEIS
Comments of Rachel Treichler
February 26, 2019

My name is Rachel Treichler. I live in Hammondsport. I am speaking this evening as a concerned citizen who has been studying the issue of radioactive gas drilling wastes going into our local landfills for the last 10 years.

Tonight I will focus on describing why the Hakes leachate test results show that very high levels of radon gas are being generated by the landfill at all times.

Although the test results show only intermittently high levels of the radionuclides Lead-214 and Bismuth-214, the fact that these high levels are ever reached allows us to calculate how much Radon-222 gas is being generated in the landfill. The highest levels of Lead-214 and Bismuth-214 in the test results show that at least 1.05 million pCi/liter of Radon-222 is being generated by the landfill at all times even though it does not always get dissolved in the landfill leachate. [Show slides of Lead-214 and Bismuth-214 test results attached as Exhibits S and T to the affidavit of Dr. Raymond Vaughan, January 17, 2018. The affidavit is attached to the Sierra Club's March 19, 2018 comment letter on the DSEIS.]

The two most likely explanations for why the lead and bismuth isotopes show only intermittently in the leachate test results are:

1. Some of the test samples were not properly sealed and radon gas was allowed to escape from the test samples, and
2. The levels of radon gas in the landfill vary over time depending upon the opening and closing of various pathways of dispersal to the atmosphere.

Both Lead-214 and Bismuth-214 come from the decay of Radon-222. [Show slide of Uranium-238 breakdown chain.] Both the lead and bismuth have very short half-lives. They are essentially gone from a sample within 5 hours if not they are not constantly regenerated by radon decay. This means that any Lead-214 or Bismuth-214 measured in a sample is less than about 5 hours old.

Even though Hakes did not test the leachate samples for Radon-222, we know because of secular equilibrium [explained in Dr. Vaughan's affidavit] that Radon-222 is present in a sample at approximately the same levels as Lead-214 and Bismuth-214 if the sample is more than about 5 hours old. The Hakes test samples were held for 21 days. The highest levels of Lead-214 and Bismuth-214 in the samples at the time of testing were about 6000 pCi/liter, so 6,000 pCi/liter of

Radon-222 would also have been present in the sample because of secular equilibrium.

Because of other scientific principles we can calculate that in order to have 6,000 pCi/liter of Radon-222 present in a sample after 21 days, the amount of Radon-222 present in the sample at the time of collection would have been 270,000 pCi/liter. [Show slides 28 and 30 from Feb. 10, 2018 presentation by Dr. Raymond Vaughan. The full presentation is attached to the Sierra Club's March 19, 2018 comment letter.]

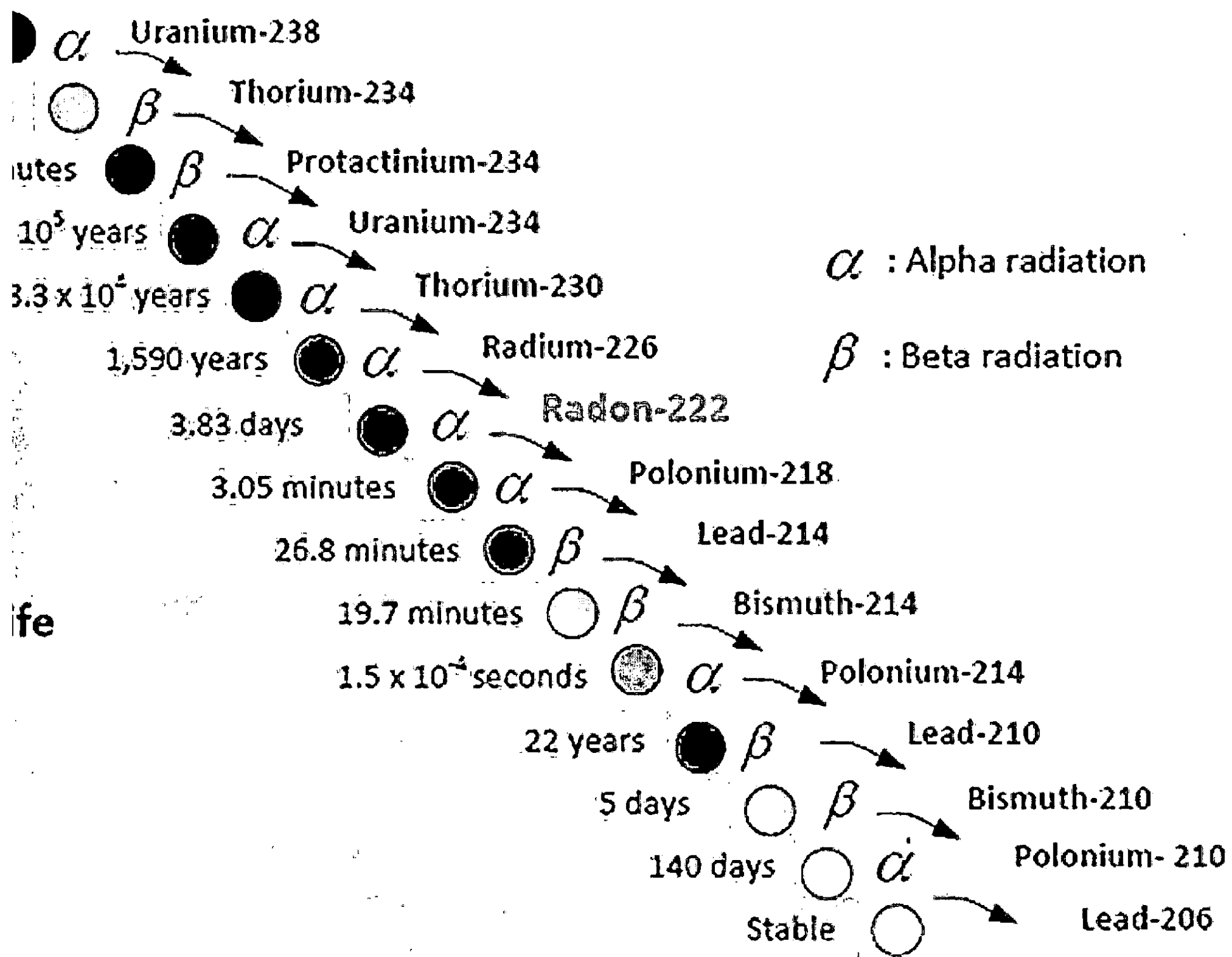
In order to have 270,000 pCi/liter of Radon-222 dissolved in the landfill leachate, 1.05 million pCi/liter of Radon-222 have been present in the air of the landfill. [Show slide.] For comparison purposes, EPA recommends that action be taken at a level of 4 pCi/liter to reduce exposure to radon gas. [Show DOH map of New York showing dangerously high levels of radon above 4 pCi/liter.]

Because Radon 222 is a breakdown product of Radium-226, the presence of Radon-222 in the air of the landfill shows that Radium-226 is present in the landfill and is generating the Radon-222.

The source of this radium in the landfill must be understood. Although Radium-226 did not show at high levels in the leachate test results, this does not mean that radium is not present in the landfill. It means that the radium is most likely in a high and dry location where it is breaking down into Radon-222. Because Radon-222 is a gas, it can migrate through the pores of the landfill and become dissolved in the leachate.

The times when the levels of Radon-222 in the leachate are low indicates that at those times the gas has found a route to escape to the atmosphere surrounding the landfill. This means that low levels in the leachate at certain times indicate that high levels of radon are being dispersed to the air at those times.

I urge you to deny the rezoning application at this time and insist on more testing and evaluation of radioactivity in the Hakes landfill and the surrounding atmosphere before approving the rezoning request or issuing a findings statement on the FSEIS.



utes

10⁵ years

3.3 x 10⁴ years

1,590 years

3.83 days

3.05 minutes

26.8 minutes

19.7 minutes

1.5 x 10⁻⁴ seconds

22 years

5 days

140 days

Stable

fe

EXHIBIT S: Hakes leachate results (data, in blue) and detection limits (MDC, in orange) for Bismuth-214, from Hakes Leachate Test Reports.

The horizontal axis on each graph is time, and the graphs show four different time trends:

- 1-5 are the 2015-2017 time trend for Cell 3 Leachate
- 7-11 are the 2015-2017 time trend for Cell 4 Leachate
- 13-18 are the 2014-2017 time trend for Cell 5 Leachate
- 20-22 are the 2016-2017 time trend for Cell 8B Leachate

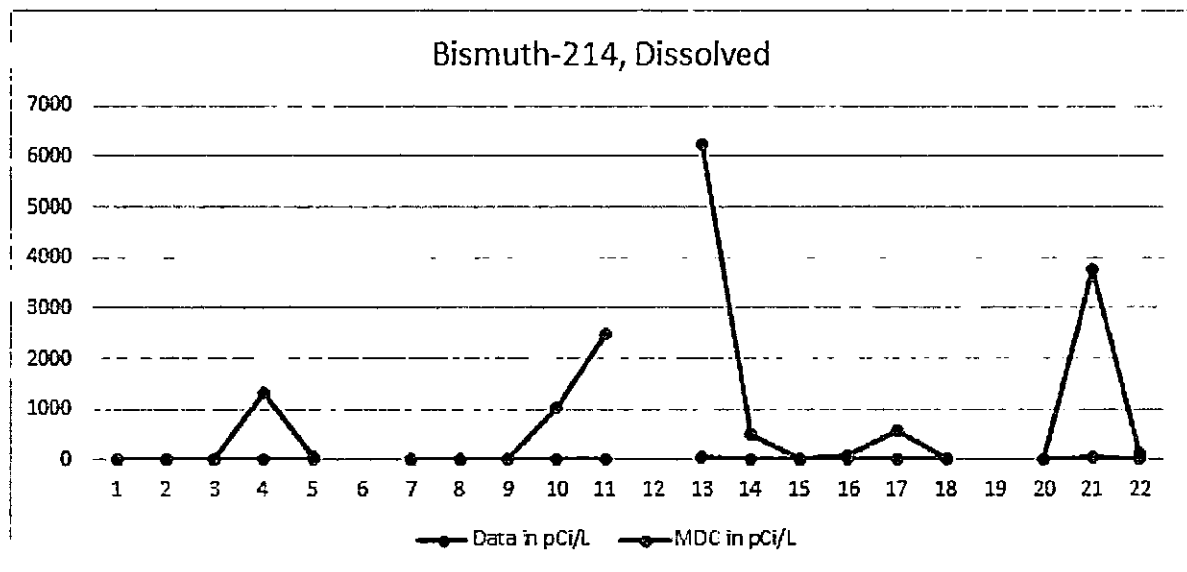
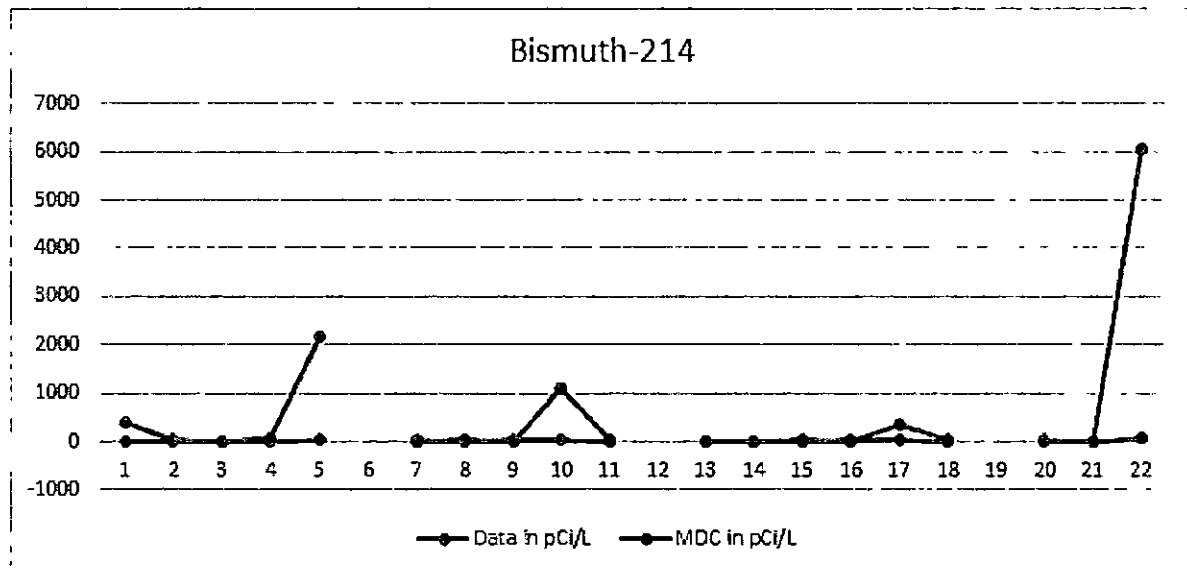
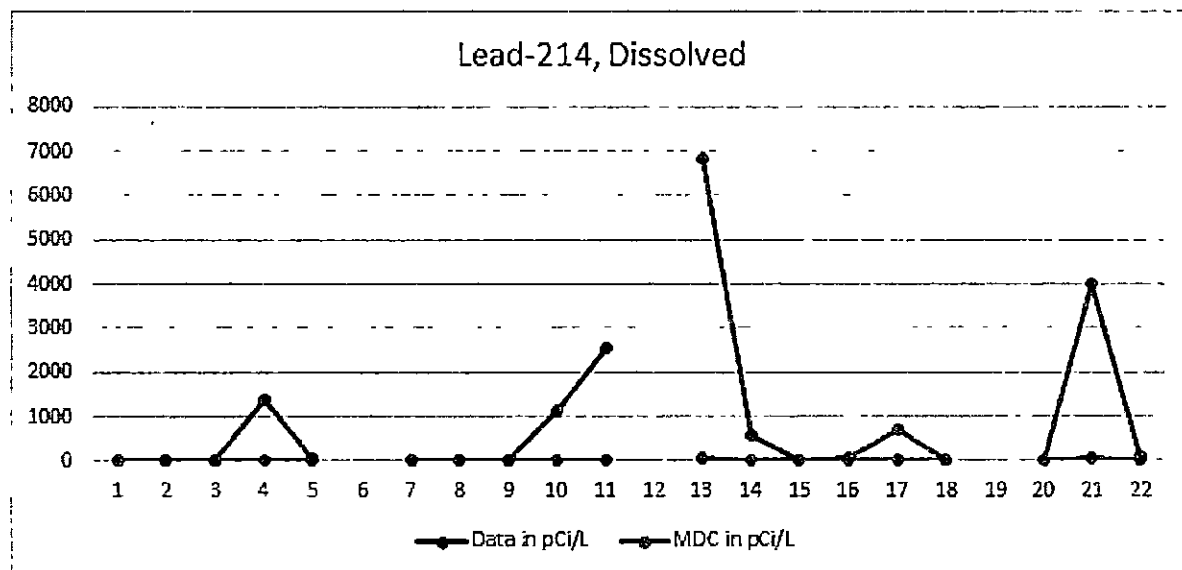
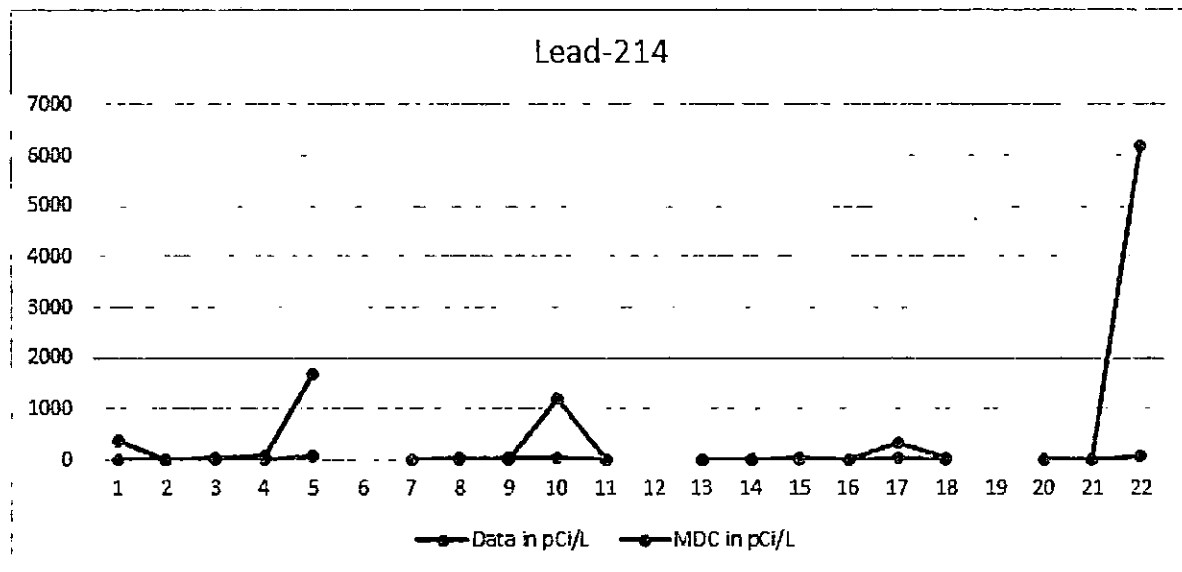


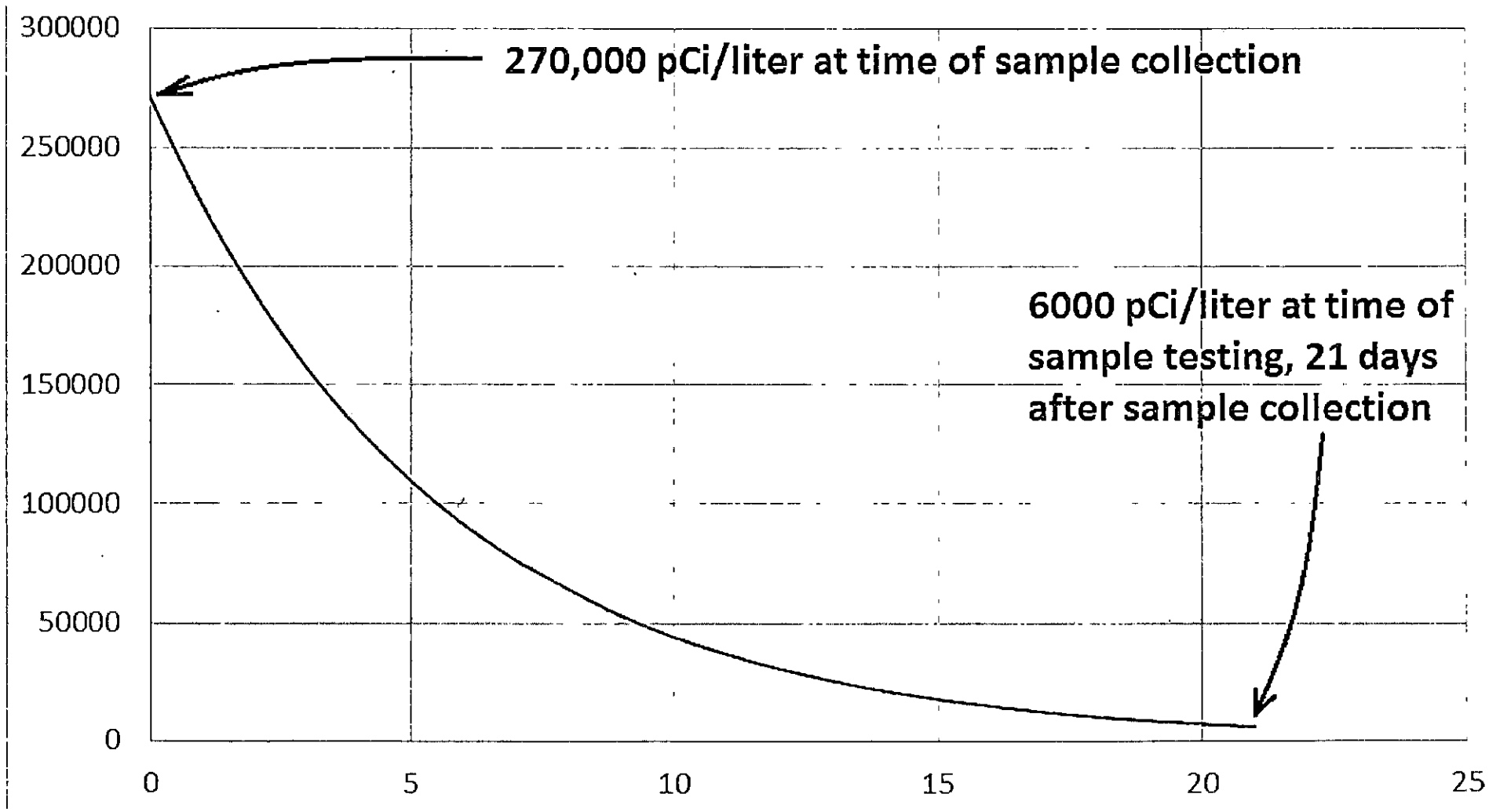
EXHIBIT T: Hakes leachate results (data, in blue) and detection limits (MDC, in orange) for Lead-214, from Hakes Leachate Test Reports.

The horizontal axis on each graph is time, and the graphs show four different time trends:

- 1-5 are the 2015-2017 time trend for Cell 3 Leachate
- 7-11 are the 2015-2017 time trend for Cell 4 Leachate
- 13-18 are the 2014-2017 time trend for Cell 5 Leachate
- 20-22 are the 2016-2017 time trend for Cell 8B Leachate



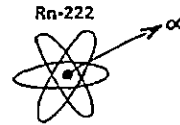
21-day decay curve for Radon-222 (half-life 3.82 days) in Hakes leachate without secular equilibrium with parent radium



**At equilibrium in a sealed container,
at 20°C**

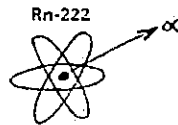
**1.05 million
pCi/L Radon-222**

in air



**270,000 pCi/L
Radon-222**

in water



February 26, 2019 Public Hearing, Town of Campbell

Comments by Marcia Weber

My name is Marcia Weber. I live off West Hill Road, where by the way, my husband has seen tractor trailer trucks coming from the landfill, particularly this winter.

We own 110 acres on Erwin Hollow Road, which is about ½ mile from the Hakes landfill.

I'm concerned about the effect of the landfill on our environment, the traffic, the air pollution, the smell, the risk to our water, and the ruin of a large tract of a beautiful part of our country.

I know what it's like to be on your side of the table at various public hearings. I've been on a village planning board for over a couple of decades. Most of us are not scientists—radioactivity isn't something we are experts in—but I would sure want more answers and more testing than have been seen so far.

And even without the issue of radioactivity, the damage to the land and to the health and the quality of life of your own citizens is something I'm shocked you would ignore. This project is not worth any amount of money for the town budget. You have a chance to prevent an increase in the damage this landfill causes. Please do so.

For all the reasons submitted a year ago, and the ones being cited tonight, I still contend that permitting the expanded cell use area of this property which now requests rezoning - as property that will never be suitable for residential purposes - is detrimental to the quality of life of the neighborhood in which it is located, and is therefore detrimental to the quality of life in this town.

The Town of Campbell is not so active a community that it requires that a disposal site of this size and nature be located within its borders. Nor is the Town of Campbell so isolated that having a disposal site of this size and nature does not have impact on its residents.

I object to the message that the Town Board of Campbell would be sending to its residents if it approves this expansion, this continued use of this property as a disposal site, the message being that our town welcomes being the repository of waste from other places, no matter how carefully the company aims to handle the waste.

It is my perception that if this expansion and rezoning is permitted, it is likely that this disposal site will seek to continue to expand in years to come, further entrenching this community's identity as one that embraces being a managed dumping ground for waste from other places. Is this the legacy that this town board wants? I hope not.

Maryalice Little

2/26/19

2/26/19

I am Stanley Manning a life long resident of 4179 Manning Ridge Road. I am the only resident in the town of Campbell that can see Hake's C&D Landfill from my house. I have no problem with Hake's C&D Landfill. The landfill is a financial benefit to the town and economic boost to the area. They employ local people and provide a necessary service to local contractors giving them a place to dispose of their waste.

As far as the Environmental impact goes the DEC Findings Statement has addressed all the concerns brought up at the public hearing Feb. 13, 2018.

Considering all the benefits of having a controlled C&D landfill I recommend to the Town of Campbell Board they approve Hake's C&D Landfill rezoning request.

Stanley Manning



GRASSROOTS Environmental Education

52 Main Street • Port Washington • New York 11050 • T 516.883.0887 • www.grassrootsinfo.org
Westchester: 260 Stuyvesant Avenue • Rye • NY 10580 • T 914.422.3141

VIA EMAIL

February 26, 2019

Jeffrey Horton, Supervisor
Campbell Town Board
8529 Main Street
Campbell, New York 14821

E-mail: jjphorton@gmail.com, deputysupervisor@campbellny.com, tewheat1@yahoo.com, and townclerk@campbellny.com

Re: Comments on the Hakes Landfill Rezoning Application and FSEIS

Dear Supervisor Horton and Members of the Campbell Town Board:

Thank you for the opportunity to submit comments regarding the Hakes Landfill Rezoning Application and FSEIS. Grassroots Environmental Education is a science-based, environmental health nonprofit that provides public education regarding health risks of environmental exposures and evidence-based solution tools. Grassroots serves local and state governments, health care providers, school systems, environmental and health organizations nationwide.

We urge you, in the strongest possible terms to require further testing and comprehensive assessment of radioactivity in the Hakes landfill before any consideration is given for the rezoning application of Hakes C& D Disposal Inc or issuance of its findings statement on the Final Supplemental Environmental Impact Statement (FSEIS). The Town's own host agreement, which prohibits the disposal of radioactive waste in the landfill, demonstrates your recognition of the inherent dangers and health effects associated with this type of waste.

The New York State Department of Environmental Conservation (DEC), the lead agency on the project, indicates that it will delay issuing its findings statement on the FSEIS until it issues the required permits. Permit applications have not yet been received by the agency. This is a perfect opportunity for the Town of Campbell to take advantage of this time and insist on a thorough analysis especially in view of the evidence of exceedingly high levels of radon gas found in leachate test results for the Hakes landfill.

Public officials with full bipartisan support have been taking protective measures to safeguard residents and vulnerable water resources from toxic and radioactive fracking waste. To date, fifteen New York counties have enacted fracking waste bans while New York City's ban protects nearly 9 million residents. It has become clear to legislators and residents alike that allowing these toxic and radioactive materials in our communities, in road applications or for disposal at

landfills or at wastewater treatment facilities could cause irreparable harm to public health, natural resources and our economy.

Radioactive materials including Radium and its decay product, Radon, are known to be significantly higher in the Marcellus Shale and are well documented by the United States Geological Survey. Radium, Radon and other decay products are an integral part of the entire life cycle of hydraulic fracturing from extraction, production, treatment, storage, waste management and its infrastructure to end users.

Detection devices at monitoring locations for all incoming waste are grossly inadequate and do not ensure detection and accurate measurement of all radioactive material present in waste including alpha, beta and gamma emitters. Such detection devices fail to consider and identify radioactive decay products, which do not dissipate. Indeed, they continue to propagate for hundreds of years. Synergistic effects of combinations of radionuclides in the waste are also not considered or addressed.

We urge that you heed the evaluations and recommendations of Dr. Raymond Vaughan as well as the words of extreme caution in Dr. David Carpenter's signed affidavit: "...Accepting radioactive fracking waste in the landfills will lead to human exposure to ionizing radiation by various routes. The greatest concern is inhalation of radon. The levels of radon in air above the leachate may potentially be as high as 1.05 million pCi/L and poses a clear hazard to anyone in the vicinity of leachate. Radon will also be released into the air over the landfill. The leachate will migrate into ground water, where radon will be transported and will appear in the drinking water of people on wells and be ingested. A major hazard will come from hot water showers, where the radon is released from the water by the heat and will fill the shower stall and be inhaled. The radon will also migrate up from the ground water in basements of homes, where it will be inhaled by occupants. When ground water is used as drinking water for those persons with wells they will be ingesting radon, radium and lower concentrations of the other less soluble radionuclides that are dissolved in the water as well particulates containing bound radionuclides coming from the fracking drill cuttings and de-watered mud."

In his conclusion, Dr. Carpenter stated, "As made clear by the reports of Dr. Vaughan and Mr. May and the leachate analyses, there is a significant amount of radioactivity contained in and coming from the Hakes C&D Disposal Site as the result of the deposits of drill cuttings and de-watered mud coming from fracking sites in Pennsylvania. The net effect of New York accepting drill cuttings and de-watered mud from Pennsylvania fracking sites will be that New Yorkers will have an increased risk of cancer, especially lung and gastrointestinal cancers, and increased risk of birth defects coming from DNA damage and increased risk of a shortened life span. There is reason to believe the DEC is underestimating the amount of radioactivity deposited in and being released from the landfill. The statement made in the Memorandum of 18, September 2015 that "drilling wastes such as drill cuttings do not display elevated radioactivity above naturally occurring background levels" is simply untrue. The peer-reviewed scientific evidence available to anyone indicates that the carcinogenic material found in fracking waste poses a real hazard to human health. Any increase in exposure to ionizing radiation beyond that which is unavoidable should not be tolerated."

In closing, we reiterate the importance of rejecting Hakes C&D Disposal rezoning application at this time and undertaking further testing and a full assessment of the radioactive findings in the landfill's leachate.

Thank you for the opportunity to comment.

References

Raymond C. Vaughan, PhD., Affidavit, January 18, 2018
Raymond C. Vaughan, PhD., Memorandum, February 21, 2019
David O. Carpenter, M.D. Affidavit, January 17, 2018

Respectfully submitted by,

Ellen Weininger
Director, Educational Outreach
ellen@grassrootsinfo.org

Cc:
Basil Seggos Commissioner
New York State Department of Environmental Conservation
625 Broadway Albany, NY 12233-1011

Dr. Howard Zucker, Commissioner
New York State Department of Health
Corning Tower Empire State Plaza
Albany, NY 12237

Dale Bryk, Deputy Secretary for Energy & Environment
Governor's Office
Albany NY 12224

Peter D. Lopez, Regional Administrator United States Environmental Protection Agency Region 2
290 Broadway
New York, NY 10007-1866

Kimberly A. Merchant, Deputy Regional Permit Administrator
Division of Environmental Permits New York State Department of Environmental Conservation, Region 8
6274 East Avon-Lima Road
Avon, New York 14414

Michelle Seeley

From: Mark Abdalla <mark.abdalla@gmail.com>
Sent: Wednesday, March 6, 2019 9:52 PM
To: townclerk@campbellny.com
Subject: Hakes C&D

Town Clerk of Campbell NY,

Please refer to my spoken statement at the last town hall regarding the landfill expansion written below for your reference:

"

I would like reiterate what so many members of the community have expressed here today: the landfill expansion is a poor idea. Let us take our time and investigate the benefits vs costs. Let us take are time to measure the radioactive material and radon levels of the landfill.

There is an old saying: Prevention is better than the Cure. It is much better that we take the appropriate steps that may prevent serious health problems than let these problems arise and then look for a cure. Radioactive material and radon are known to cause cancer. We have seen cancer rates increase across the United States over time because of toxins. Let us make sure we are making our community vulnerable to an increase probability of developing cancers. Cancer is very difficult to treat. Cancer is very expensive to treat.

Let us slow this process down and take the necessary time for the appropriate scientific investigation. Let us not rush as there is nothing more important than our health. There is nothing more important than taking care of our community. Prevention is better than the cure.

Thank you to all that have spoken and thank you to the board for hearing us speak.

"

Please let me know if you have any questions.

Best regards,
Mark