

Broome County Environmental Management Council

Barbara J. Fiala, Broome County Executive • Stacy Merola, Director



Broome County Office Building • 44 Hawley Street • P.O. Box 1766 • Binghamton, New York 13902
(607) 778-2116 • Fax (607) 778-6051 • Website: www.gobroomecounty.com

2009 Annual Report

BROOME COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

ORGANIZATION AND ADMINISTRATION

The Broome County Environmental Management Council (EMC), established in 1971 by the County Legislature, serves as a citizen advisory board to county government on environmental matters. The EMC conducts environmental research, investigates sound methods of ecological planning for the use of the County's natural resources; reviews environmental plans, reports and impact statements; coordinates activities in the management of our natural resources; and helps raise public awareness about environmental concern through public participation and education programs.

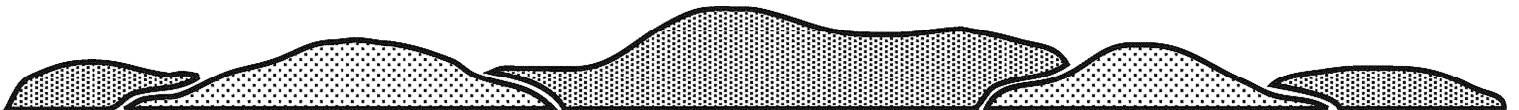
Currently, one full-time staff member administers and facilitates the activities of the EMC: the Senior Environmental Planner in the Broome County Department of Planning and Economic Development, from which EMC receives technical, bookkeeping and mapping support services.

Staff coordinates work for and provides technical assistance to the EMC's two standing committees: the Natural Resources Committee and the Recycling & Waste Management Committee. Staff performs research and data collection activities; reviews land use and development proposals for environmental impacts, implements projects, facilitates public participation, fulfills environmental information requests, and provides technical assistance to County and municipal governments regarding New York State Environmental Quality Review (SEQR) procedures, among other tasks.

The following represents activities of EMC support staff and members for 2009.

Memberships: EMC members are appointed by the County Executive and confirmed by the County Legislature. Eight of fifteen at-large seats were filled at the start of 2009, with five members-at-large beginning second two-year terms. The EMC Membership Committee recruited volunteers to fill outstanding vacancies throughout the year. Two newcomers filled member-at-large seats mid-year after serving as Associate members, and three student representatives from Broome Community College, Binghamton University and Union-Endicott High School completed first terms. Other members included representation from the Vestal Conservation Advisory Commission, two ex-officio representatives from the county Legislature, and department administrators from Planning, Parks, Public Works, and the divisions of Environmental Health and Solid Waste Management.

Staff promoted student involvement in environmental policy development, EMC volunteer activities during Binghamton University's Fall Volunteer Resource Fair, and again when visited by local high school students fulfilling Participation in Government class requirements. Staff assisted teachers at Chenango Forks High School and Binghamton University with environmental class projects.



Internship Program: The EMC sponsored an internship for, and staff supervised, one undergraduate student, an Environmental Studies major at Binghamton University concentrating in Environmental Planning and Law.

Environmental Education Resources: Staff maintained extensive collections of print and electronic reference resources, books, periodicals, pamphlets, and information fact sheets. Resources available on EMC webpages include meeting and program information, volunteer opportunities, public participation activities, EMC position statements and papers, educational brochures, fact sheets, pictures and links.

Agency Collaboration: Support staff served on several committees and boards in 2009 representing the EMC. These included:

- Binghamton Metropolitan Transportation Study Planning Committee,
- Binghamton First Ward Redevelopment Plan Steering Committee,
- Brandywine Corridor Brownfield Opportunity Area (BOA) Steering Committee,
- Broome County Community Health Assessment Steering Committee,
- Broome-Tioga Stormwater Coalition and Public Education & Participation Committee,
- Endicott-Johnson BOA Steering Committee,
- Landfill Citizens Advisory Committee,
- NYSDEC *NY Recycles!* Steering Committee,
- NYS Region 7 Open Space Advisory Committee, and
- NYSAEMC Board of Directors and Nominating Committee

Educational Presentations and Discussions: The EMC hosted a variety of speakers and offered informative presentations at EMC general meetings. These included:

- Rich Taber, Forestry Assistant with CUCE of Chenango County discussed CUCE's Regional Forestry Initiative (January);
- Chip McElwee, Director of the BC SWCD sought input on the draft Broome County Agricultural Environmental Management Strategy (February);
- Dr Gay Canough, President of ETM Solar Works discussed solar and wind power systems, projects and incentives (March);
- Susan Sherwood, Director of the Center for Technology and Innovation shared a history of mass transit in the Southern Tier (April);
- Assemblywoman Donna Lupardo presented updates on critical environmental bills in the NYS Legislature (July);
- Kevin Mathers, CUCE of Broome County Educator shared details about two emerging invasive species statewide: Giant Hogweed and Emerald Ash Borer (September); and
- Larry Pierce of LCP Group presented concepts for a C&D Recycling facility (October).

Conferences/Seminars/Trainings: EMC members and/or staff participated in several educational conferences and training seminars in 2009 to stay informed of emerging environmental topics. These included:

- City of Binghamton sponsored Deconstruction Seminar (February),
- County Emergency Services 2009 Hazard Mitigation Vulnerability Analysis (March),
- Center for Watershed Protection's Municipal Pollution Prevention & Good Housekeeping webinar training for Stormwater Management (May),

- NYSDEC annual program and legislative summit with the NYSAEMCs (June);
- NYSAEMC's Conference on the Environment in Watkins Glen, NY (November),
- Cornell University Cooperative Extension sponsored Natural Gas Summit by (November),
- NACo's County Investments in Green Infrastructure webinar (December).
- NACo's webinar for the New York public meeting about EPA's establishment of a Chesapeake Bay Total Maximum Daily Load (TMDL) for nutrients and sediments pursuant to the Clean Water Act. (December)

LAND USE AND NATURAL RESOURCES

Municipal Land-Use/Zoning/Development Reviews: EMC staff provided environmental review support to the Planning Department and rendered advisory opinions per NYS General Municipal Law §239 (l) & (m) review process for site and subdivision plan reviews, special permits and various zoning actions. Staff assessed numerous proposals for potential waste related issues and rendered opinions that promoted spill prevention planning, proper handling of hazardous wastes, and the accessibility of services at the County Landfill for conditionally exempt small quantity generators of hazardous waste.

Regulatory and Policy Reviews: EMC members and staff reviewed and provided comment on significant state draft rules, regulations, policies, plans and impact statements during the year. Examples include:

- NYSDEC Open Burning rule revision (6NYCRR Part 215),
- NYSDEC preliminary draft regulation for Outdoor Hydronic Heaters (aka OWBs),
- Governor's 2009-2010 Executive Budget provision for an expanded NYS Bottle Bill,
- NYSDEC draft Supplemental Environmental Impact Statement on the Oil, Gas and Solution Mining Program Well Permit Issuance for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs

Stormwater Management Program: Broome County is a member of the Broome-Tioga Stormwater Coalition (BTSC), a group of regulated municipalities that collaborate to address local stormwater issues and meet federal and state Stormwater Phase II mandates. The EMC assisted the BTSC with implementation and compliance requirements by providing public education, opportunities for public participation, and training and outreach services to municipal officials and citizens. The BTSC Public Education and Participation Committee continues to devise stormwater awareness messages and brochures, among other items for 15 regulated municipal separate storm sewer systems (MS4s).

The Senior Environmental Planner assisted with Stormwater Management Plan Program annual report preparation, modification and evaluation, and conducted the County's required public meeting. The BTSC submitted their first joint annual report to the NYSDEC in early June.

Natural Resources Committee (NRC)

The NRC continued to be a forum for parties seeking information and/or support related to air, land and water resource matters. Staff and the NRC kept abreast of natural resources and land use issues via development, plan, and policy reviews, Environmental Notice Bulletin postings, announcements on list-serves, and citizen interests. Focus areas for 2009 included open space conservation, air quality issues, and natural gas drilling, among others topics.

Open Space Planning: NRC members continued work on a draft Broome County Open Space Plan (OSP), a long-term project that aims to identify open space areas important for natural resource protection and preservation of community character. Some inventory portions are still under development. These include accounts of agricultural and forest resources and protected open spaces. NRC members began investigation and formulation of program and policy recommendations for completed sections. A final draft is expected mid year 2010.

On the advice of the NRC, the EMC adopted and sent a letter to the NYS Office of Parks Recreation and Historic Preservation expressing opposition to snowmobile use in Chenango Valley State Park (March).

Natural Gas Drilling: EMC members reviewed the NYSDEC final scope for the draft Supplemental GEIS on the Oil, Gas and Solution Mining Regulatory Program, Well Permit Issuance for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs. Members continued to examine many technical papers, testimonies, reports and analyses from a variety of sources including Penn State University, Cornell University and their respective Cooperative Extensions, the NY State Farm Bureau, NYSERDA, federal, state and local governments, and independent industry and advocacy organizations, among others.

After thorough review of the state's draft SGEIS released mid year, the NRC debated and drafted a response to the NYSDEC that highlights general inadequacies followed by concerns over specific SGEIS content and recommendations for further analysis. Members attended the November regulatory public hearing at Chenango Valley High School. The EMC considered and declined a request to support a call for withdrawal of the NYSDEC draft SGEIS. In December, EMC adopted a response to DEC calling for cumulative impacts analysis, closed-loop fracturing systems, comprehensive air, water and noise monitoring, impact analysis on wildlife, and firm accountability through a permit fee structure and fine system dedicated for enforcement and corrective actions, among other things.

Open Burning: The EMC for many years has advocated for a statewide ban on open burning. The EMC submitted comments on the state's draft rule revision for 6NYCRR Part 215 in 2008. The State adopted rule changes in October 2009 that extend the previously existing ban on most open burning statewide with several exceptions allowing certain types of open fires without a permit.

Outdoor Wood Boilers: The issue of outdoor wood boilers has been of interest to EMC members for years. The EMC Chair attended a Fenton Town Board meeting and spoke at a public hearing in January to consider adoption of Local Law #8, a law to amend the definition of "outdoor wood burning furnace" in section 105-2 of Town Code. The Chair also participated in a conference call with the State Attorney General's Environmental Protection Bureau to discuss OWB dispersion modeling analysis.

The EMC obtained an informal draft regulation for stakeholders - 6NYCRR Part 247 – Outdoor Wood Boilers - from the DEC, which was under review in 2009 by the Governor's Office of Regulatory Reform. The NRC debated the proposed setback requirements, permitted woods proposed as approved fuels, and performance labeling and emission requirements. The Council expects to render comments once the formal draft regulation is available for official public review.

The EMC was asked to support a statewide ban on outdoor wood boilers, as presented by Clean Air Rights for Everyone (CARE) of the Town of Nassau, NY. CARE found the EMC's letter, advisory resolution and white paper calling for support of Comprehensive Wood Burner Installation

and Performance Standards in the NYSDEC's rulemaking file on 6NYCRR Part 247. While the NRC supports regulation of OWBs that meet EPA Phase II standards, the group feels an outright statewide ban is not practical.

BC Community Health Assessment 2010-2013: The EMC was invited to participate in the CHA Steering Committee to explore relationships between health needs in our community and the resources available to address them. Committee work was guided by the Mobilizing Action through Planning and Partnerships (MAPP) model that functioned as a community-wide strategic planning tool, forming the basis for prioritizing key public health issues and identifying potential resources. Based on the NYS Prevention Agenda and Prevention Quality Indicators, and priorities from the last CHA, the group identified two priority focus areas: increase access to quality health care, and reduce the burden of chronic disease and increase chronic disease prevention. In the interim, the Steering Committee will collaborate to address these identified health priorities and organize interventions.

Requests for support: The EMC received a request from The Nature Conservancy to support a campaign for a proposed \$5 billion NYS Clean Water, Clean Air and Green Jobs Bond for placement on the November 2009 ballot. The NYS Environmental Conservation Committee DEC held a public hearing May 27. The bond proceeds are proposed to be divided \$1 billion each to Clean Water through Watershed Protection, Clean Water Infrastructure, Green Jobs through Energy Efficiency, Clean Air and Green Transit, and Urban Health and Community Restoration. The EMC did not take a position, but will revisit this issue in 2010.

The EMC approved letters of support in September for three NYS Environmental Protection Fund project requests: a Regional Farmers Market Study, a boat launch and Access Plan for the Susquehanna River, and a plan to reconstruct the Amphitheater at Ross Park Zoo.

The Council approved two letters of support for funding ongoing County Brownfield projects: cleanup funds for 312 Maple St, Endicott site (October), and funding for a Stage 3 Implementation Study for the Endicott-Johnson Industrial Spine BOA (November).

RECYCLING AND WASTE MANAGEMENT

Recycling & Waste Management Committee (RWMC)

The EMC being a focal point for discussion about environmental topics received inquiries and made referrals about recycling and disposal options available locally. Throughout the year, the RWMC researched and monitored local, national and international recycling trends for material commodities (plastic, glass, metal) and electronics, continued to advocate for recycling provisions at public facilities and events. The RWMC for much of the year reviewed and offered feedback about many technical reports developed as guidance for the County's Solid Waste Management Plan update.

Waste Management Education: The RWMC has long advocated for increased education to improve recycling participation at Commercial, Industrial and institutional and multifamily units by means of welcome packets for new residents, business and industry; Q & A on the County's website; and private hauler education, among other things. In response, the County's Division Solid Waste Management generated educational resources for landlords and real estate agents, and undertook waste surveys of local business including gas stations to educate these stakeholders.

Expanded Bottle Bill and the EPF: The EMC adopted, by recommendation of the RWMC and NRC, a letter to NYS representatives supporting and asking for consideration of a compromise with respect to expansion of the NYS Bottle Bill (aka the Returnable Beverage Container Act). In February, the EMC advocated for removal of all 1.75L bottles from the nickel deposit in return for an expansion to include all non-carbonated single-serving beverage containers less than 1.75L. The State passed a bigger, better, bottle bill in April. However, implementation was delayed after the International Bottle Water Association filed a lawsuit in May challenging the constitutionality of the new provisions. A judge ruled in their favor halting implementation of the expanded bottle bill until April 2010. The ruling was overturned in October and the regulation became effective October 31, 2009.

Recycling Outreach: The EMC staff promoted waste reduction and reuse principles, and the importance of recycling household hazardous waste and electronics properly at the County Landfill whenever possible. The RWMC recommended that EMC adopt a resolution calling for national extended producer responsibility legislation to address the growing problem of electronic waste generation and disposal. The RWMC plans to formalize a resolution and letter for EMC consideration in early 2010.

EMC helped spread the word about several County-sponsored free electronics collections and disposal days, and special pharmaceutical collections events sponsored by the Village of Endicott, area Medicine Shoppes, and UHS and Binghamton University.

A new statewide law took effect January 1, 2009 that requires certain retail and grocery stores to set up a plastic carry out bag recycling program for customers. Stores with 10,000 square feet or more of retail space and chains which operate five or more stores with greater than 5,000 square feet of retail space, and which provide plastic carry out bags to customers, are required to comply with the law. In the last five years, the EMC wrote to local grocery chains and supplied them with vendor information asking for implementation of plastic bag recycling for customers. The EMC was pleased to see concerted action at taken at the state level on this issue.

Landfill Citizens Advisory Committee (LCAC): EMC staff provided technical assistance to the LCAC as the County undertakes Knapp Road modifications to complement scheduled road improvements for Dunham Hill Road for an at-grade crossing into Section IV. The \$3.1M project will be complete by July.

ENVIRONMENTAL STEWARDSHIPS: PUBLIC EDUCATION AND ACTIVITY PROGRAMS

Earth Fest 2009: EMC members and staff participated in the annual Earth Fest Saturday, April 25 at MacArthur School in Binghamton to raise awareness about local environmental issues. The EMC's educational displays included a stormwater management Best Management Practices game for homeowners, and a recycling/reuse interactive game, among others things. The EMC promoted membership opportunities and recruited volunteers for the annual Riverbank Cleanup Program. EMC received Award of Recognition from Assemblywoman Donna Lupardo for EMC's involvement with and support of Earth Day Southern Tier, Inc since 1990.

2009 Joyce K.L. Smith Environmental Photography Show & Competition: The EMC sponsored the 13th annual Joyce K.L. Smith Environmental Photography Show & Competition to portray and celebrate all aspects of Broome County's natural and cultural surroundings: wildlife, plantlife, natural landscape, cultural landscape, and people in action. The EMC received 343 entries from 130 amateur photographers, and \$435 in donations to the Joyce K.L. Smith Memorial Fund.

Winners and honorable mentions in each category and the best submission from a local high school student received recognition at an opening reception and awards ceremony June 3 at the Broome County Library. Educational kiosks highlighted the EMC's Riverbank Clean Up, drawing attention to stormwater issues, and a memorial to the show's namesake. The local newspaper ran a feature showcasing the Competition, which was on display during June.

2009 Broome County Riverbank Clean Up: The EMC sponsored the 24th Broome County Riverbank Clean Up during the weekend of September 19th to protect water quality, and raise public awareness about illegal dumping, stormwater management, river ecology, and environmental stewardship. Two-hundred-fifty-three volunteers organized in 25 groups, collected debris and trash at 22 locations along 12 miles of Susquehanna and Chenango riverbank and several tributaries. Municipalities hauled almost three tons of material for disposal, including 31 tires. The event was organized again in combination with the International Coastal Clean-Up Day, sponsored annually by the Ocean Conservancy and the American Littoral Society (ALS). Data was compiled into a summary report for distribution to ALS and Broome-Tioga Stormwater Coalition partners.

2/3/10