PFAS: A New Frontier for Waste Management and Landfill Leachate

— Paul J. Napoli and Michelle Green

Per- and Polyfluoroalkyl substances (PFAS) are found in products ranging from non-stick cookware to firefighting foam, and contaminate sites and drinking water systems across the country. PFAS are known to remain in the human body for a prolonged period of time, causing a variety of diseases. Over the past few years, several states, the United States EPA, municipal water providers, and plaintiffs’ attorneys have begun to take steps to address PFAS. Therefore, concerns involving landfill leachate have increased, demanding waste management facility operators be aware of potential future monitoring and regulatory requirements.

PFAS REGULATIONS

Due to PFAS contamination across the country, the EPA has issued a non-binding health advisory level of 70 parts per trillion (ppt) for cumulative lifetime exposure to PFOA and PFOS. EPA also announced on February 14, 2019, a comprehensive nationwide PFAS action plan that will establish a maximum contaminant level (MCL) for PFAS under the Safe Drinking Water Act (SDWA), which will be fully enforceable and will apply to all public water systems across the country. The second major regulatory development proposed by the EPA action plan is to list PFOA and PFAS as hazardous substances pursuant to Section 102 of CERCLA. This allows the EPA to exercise its authority and seek cost recovery from polluters for a release of PFAS. Additionally, listing PFOA and PFAS as CERCLA hazardous substances will increase potentially responsible parties, such as municipalities that owned or operated closed landfills that accepted wastes containing these contaminats. Of course, once these chemicals are listed as hazardous substances, municipal landfills will be able to seek cost recovery or contribution for their response costs.

In 2016, New York became the first state to regulate PFOA as a hazardous substance, setting an advisory level of 50 parts per billion (ppb). New York is also in the process of developing a MCL for PFAS, which would apply to groundwater. Specifically, on December 18, 2018, the New York Drinking Water Quality Council (DWQC) recommended adoption of the nation’s most stringent drinking water standards related to emerging contaminants, which includes PFAS. The DWQC proposed that the New York State Department of Health (DOH) adopt a MCL of 10 ppt for PFOA and PFOS. In July 2019, the DOH filed a Notice of Proposed Rulemaking to promulgate these recommendations into law, which may go into effect this year. The proposed limits are significant reductions from the EPA guidance limit of 70 ppt.

The NYSDEC has initiated their own PFAS sampling at operating landfills to determine the presence of PFAS. Beginning in 2018, NYSDEC began collecting information regarding PFAS contamination at state Superfund and Brownfield Cleanup Program (BCP) sites across New York State. More recently, the NYSDEC announced that it had drastically expanded the sampling requirements for PFAS. Starting in February 2019, new state Superfund and BCP sites must sample all environmental media, including soil and groundwater for PFAS compounds. New York State was also recently awarded $890,851 in federal funding from the Centers for Disease Control and Prevention (CDC) to support a health study on the effects of toxic PFAS contamination.

FUTURE ISSUES

The fate and transport of PFAS in different types of landfills can be complex. In the absence of regulations on PFAS, generators of PFAS waste are questioning what the most appropriate methods of treatment or disposal for solid and liquid waste are. While the fate and release of PFAS in landfills have been studied to some extent, limited research exists on current containment practices. This lack of scientific certainty inevitably delays regulatory action at the federal and state levels.

It remains unclear as to how New York State intends on regulating and addressing PFAS-related contamination in landfill leachate. State regulators are only now beginning to address what the public increasingly believes is a major crisis. In the interim, we can expect to see new monitoring requirements and legislation in order to safeguard our communities from PFAS contamination. This could include requirements for PFAS sampling in landfill leachate, soils, and groundwater and testing programs at municipal WWTPs to identify PFAS sources.

NEW Food Donation and Food Scraps Recycling legislation in New York State

In 2019, NYS passed the Food Donation and Food Scraps Recycling law. Effective January 1st, 2022, large generators of food scraps (those that generate 2 tons per week or more) must donate any unsold edible food and must separate and recycle all remaining food scraps if they are within 25 miles of an organics recycler.

To get the latest information, sign up to receive DEC announcements on the NYS Food Donation and Food Scraps Recycling Law at https://www.surveymonkey.com/r/D67Z23J.

You can expect to receive information on (depending on your interest):

- Upcoming stakeholder meetings
- Proposed and published Food Donation and Food Scraps Recycling regulations
- A list of designated food scraps generators, organics recyclers, and all waste transporters that manage food scraps
- Guidance & educational materials
- Annual reporting requirements
- Instructions for submitting a waiver

And more!

Please contact FoodScrapsLaw@dec.ny.gov with any questions.
The President’s Corner

Steve McElwain, President

I hope everyone is enjoying their summer so far. At least, for the most part, the rains have ceased and the leachate generation has subsided back to manageable volumes.

Speaking of summer, I recently returned from a family gathering in one of our southern states where I became consumed with guilt. We rented a beautiful house with all the amenities including 8 trash totes for the one home. Every time I would finish with a beverage or food container, I would rinse it out, separate it from the garbage as I have become accustomed to do. But, here, I had to endure the fateful end to each container by tossing in the household trash with all the other plastic, glass and aluminum.

Oh, the Horror!

There was no formal recycling required or even expected. My brothers, my sister and their families were all used to this unspeakable habit as they all have left New York to settle in the Deep South. Day after day I would continue my New York habits to rinse and separate all containers only to cringe as I had to drop them into the kitchen trash and haul them out to the eight, waiting trash bins. Now, I realized why this house had so many totes - you end up with a lot of trash when you include recycling.

(Continued on Page 4)

Welcome Our New NY Federation for Solid Waste Management Associations Officers

The four longstanding officers of the NY Federation for Solid Waste Management Associations stepped down in tandem, and four new officers were installed in May.

Chairperson Margretta Morris, Vice Chairperson Russell Rutkowski, Secretary Eric Swenson and Treasurer Robert Matarazzo ended their service after over 20 years each of steering the umbrella organization which includes the Solid Waste Association of North America, NY Chapter; the NYS Association for Solid Waste Management and the NYS Association for Reduction, Reuse and Recycling.

The Federation was officially established in 1998 as a way for all three organizations to pool their resources and work together to put on a major annual conference for solid waste and recycling. This effort has grown to host over 500 attendees and exhibitors, and has been held at the Sagamore at Bolton Landing, NY for the past 20 years.

In conjunction with the selection of new officers, an amended operating agreement was approved by all three organizations, setting down in writing the details of the Federation’s purpose and how it serves as the umbrella with all three organizations having the ability to come together for conferences and on legislative and regulatory matters, while still maintaining their independent positions on issues. Officer terms and job descriptions were also outlined in the agreement.

Russ will continue as conference Chairman, overseeing the many details of an ever improving conference and trade show.

The new officers were chosen so that each association has representation. Bruce Howie, P.E. of SWANA-NY is the new Chairperson, with Kelli Timbrook of NYSAR3 as Vice Chairperson, Ken Armellino, P.E., also of NYSAR3 as Treasurer and Cindy G. Livingston of NYSASWM as Secretary.

Bruce is a Vice President at HDR, Inc., located in their White Plains office and serves as a past president of SWANA-NY; Kelli is president of NYSAR3 and is a project manager for Casella Organics out of Clifton Park, NY; Ken works for Covanta out of Morristown, NJ and Cindy works at the Fulton County Department of Solid Waste in Johnstown, NY. She has served as president of both NYSAR3 and NYSASWM.

The new officers were introduced at the Federation Conference in May, and the outgoing officers were presented with tokens of appreciation and thanks from Federation board members at the event. Bruce stated that “…it’s an honor to serve these three great organizations that work tirelessly to promote sustainable solid waste management in the state of New York. I know that my fellow new board members and I will work hard to uphold the legacy left to us by Meg, Russ, Eric and Bob.”

Save the Date!!

2019 NYSASWM Fall Conference ■ September 29-October 1
CROWNE PLAZA, LAKE PLACID, NY
Details on page 7
Current Projects

OCRRA Begins State-of-the-Art Transfer Station Modification Project

Cristina Al bunio PE, OCRRA Agency Engineer, is managing the project and working closely with four prime contractors: Murnane Building Contractors (general contractor), O’Connell Electric Company (electric contractor), King & King Mechanical (HVAC contractor), and Burns Bros Contractors (plumbing and fire suppression contractor). GHD is providing engineering oversight during construction.

The modified transfer station will serve commercial haulers and manage up to 800 tons per day of municipal solid waste including construction and demolition debris and ragger tail waste from WestRock Paperboard Mill in Solvay, NY. The modifications to this facility include construction of two new buildings and an addition to one existing building. An electric shredder and automated scales will be used at the modernized site to better serve OCRRA’s customers. Most of OCRRA’s customers currently serviced at the Ley Creek Transfer Station will be accommodated at the modified Rock Cut Road Transfer Station. Construction is anticipated to be finished by the end of 2019 and OCRRA will begin phasing in operations in 2020. If you have any questions regarding this project, Ms. Al bunio can be reached at cal bunio@ocrra.org.

Islip Resource Recovery Agency Cleanfill Landfill Closure

The Islip Resource Recovery Agency received bids August 22, 2019 for capping 15.6 acres of the 30 acre Cleanfill Landfill, located on Blydenburgh Road, in Hauppauge NY (NYSDEC Region 1). The project will be using the Closure Turf System. The engineering firm of Lockwood, Kessler and Bartlett Inc. (LKB) of Syosset, NY, was responsible for the design and obtaining approvals from the NYSDEC. LKB will also be responsible for construction management and the quality assurance, and they will be assisted by Cashin Associates, P.C. of Hauppauge NY.

Oneida-Herkimer Solid Waste Authority Unveils New Source Separated Organics Processing Facility

On May 17th, the Oneida-Herkimer Solid Waste Authority (OHSWA) held a ribbon-cutting ceremony to celebrate the construction of its new Food2Energy/Source Separated Organics Processing Facility. The facility provides for the recovery of food scraps in order to divert this waste from the Authority’s Regional Landfill and turn it into energy. The $3.4 million facility is located at the Authority’s Utica location and will provide feedstock to Oneida County’s Water Pollution Control Plant’s (WPCP) new anaerobic digestion system. The Authority worked with RRT Design & Construction and Barton & Loguidice related to the facility’s design and construction.

Through the Authority’s new organics diversion program, “Food2Energy”, large generators such as hospitals, colleges, and grocery stores will be able to deliver bagged and packaged source separated organics (SSO) to the Authority’s processing facility where packaging will be separated from food scraps. Additionally, the Authority will offer a voluntary drop-off program for residents at its EcoDrop Utica. The recovered food scraps will be sent to Oneida County’s WPCP where they will be turned into electricity to power the plant through anaerobic digestion. Food2Energy provides an economic incentive for large generators to participate in the program. The tipping fee for garbage in Oneida and Herkimer Counties is currently $62 per ton. The tipping fee for Food2Energy is $40 per ton. In addition to the economic and environmental benefits, Food2Energy provides our region with the infrastructure to be ahead of the curve when it comes to the organics mandate that will take effect January 1, 2022.
OHSWA — Regional Landfill Capping

The first capping project at the Oneida-Herkimer Regional Landfill began in June. Adhan Construction of Cortland, NY is the contractor and Chenango Contracting is the liner subcontractor. The $1,495,000 job consists of earth moving to proper grade, liner/geo-net installation, fill placement, final topsoil placement, and seeding. Five acres of Cell 5 will be capped by the end of September.

Development Authority of the North Country —
Landfill Expansion and Regional Recycling Transfer Station

The Development Authority of the North Country (DANC) has been busy with continued construction of its landfill expansion of an additional 110 acres. Currently, DANC’s Materials Management Facility is nearing completion of the initial construction of the first two new cells of the expansion. The entire footprint of the expansion has been cleared and regraded in preparation for future cell construction. Next season the cells will be constructed with their respective double-composite liner systems and all the piping to collect and control the leachate generated from each cell. A new pump station will also be constructed to handle the leachate collected and direct it to the existing leachate storage tanks. It is scheduled to start taking waste in late 2020 or early 2021.

Town of Colonie Landfill Expansion

The Town of Colonie Landfill began select fill operations in the first cell of its Area 7 expansion on April 29th, 2019. The entire Area 7 landfill expansion is projected to provide approximately 20 years of disposal capacity at the current permitted annual tonnage rate.

Town of North Hempstead Public Education Videos

The Town of North Hempstead (TNH) recently applied for and received a grant related to public education. TNH is creating a series of four educational videos related to proper solid waste management using the NYSDEC grant funding. These four videos may be found on the TNH website when they are created. The first video, already created and uploaded, covers which recyclables are collected curbside and other residential recycling procedures in TNH. The second video will cover proper curbside collection procedures for trash, the third video will cover what is household hazardous waste and what to do with it, and the fourth video will cover Extended Producer Responsibility (EPR) laws like the current electronics law that prohibit curbside set out, and require manufacturers to take greater responsibility for the end-of-life disposal of their products. The fourth video will also cover the disposal/recycling of other notoriously difficult materials to handle such as pharmaceuticals, rechargeable batteries, and single use shopping bags.

Town of North Hempstead – RFP for Gray Water Management System

The Town of North Hempstead (TNH), in conjunction with the Town of North Hempstead Solid Waste Management Authority (the Authority), has issued an RFP in which they are seeking consultants to assist with developing a gray water management system for the golf course adjacent to their two closed landfills. The project will consist of three phases:

1. a comprehensive feasibility study related to the establishment of a water irrigation system that would repurpose and store gray water from the Authority’s processes for other purposes including golf course irrigation,
2. design and bidding support for the project,
3. construction management.

The project, once completed, will enable the Harbor Links Golf Course to use stored and treated runoff from the two landfill sites to meet its annual 32-70 million gallons irrigation needs.
NYS Landfill Designer Engineers Take Advantage of Technical Training Opportunity in July

On July 16th and 17th the Geosynthetic Materials Association (GMA) and LDS Geosynthetic Consulting Services co-hosted the Waste Containment System Design III Seminar in Syracuse. The objective of this technical training event was to provide a comprehensive review of the current state of practice and standard of care relating to the proper design, construction, and construction quality assurance methods for designing and building double composite-lined landfills that provide for environmentally sound disposal of solid waste. Participants were provided with an overview of the proper project considerations in the context of the current national practice that is relevant for both natural and geosynthetic construction materials used in the design and construction of highly efficient waste containment systems. It is critically important that professionals in this field be aware of how the latest technical understandings are integrated into the state-of-the-practice for waste containment system design, material specification, and construction. Participants also received an overview of the current solid waste management regulations as they pertain to landfills in New York State, as well as the most-recent CQA advances in electrical leak location technology and methods.

GMA brought two internationally acclaimed presenters to give the Seminar: the principal instructor was Richard Thiel, P.E., a practicing civil and geotechnical engineer and President of Thiel Engineering located in northern California, and Abigail Gilson, P.E., senior engineer with TRI in Texas who is an expert in electrical leak location technologies.

Both instructors acknowledged that NYS’s landfill regulations are among the best in the United States and that the State can boast that the degree of leachate containment at the landfills built and operated under these regulations is by far the best in the nation. An important takeaway from the seminar was the current performance of NYS’s existing double composite liner systems. In 2017, over 8,840,200 tons of solid waste was disposed of in the twenty-seven double composite-lined, municipal solid waste landfills located in the State. These twenty-seven double composite-lined landfills collected more than 374 million gallons of leachate for treatment in 2017, thereby preventing leachate from entering the groundwater of the State. To help minimize leachate generation the State’s solid waste regulations have strict final cover system requirements that are designed to minimize precipitation induced leachate generation and contaminated runoff affording additional protection of the waters of the State.

Robert Phaneuf of the DEC’s Division of Materials Management attended and presented at the seminar, and said that “the subject matter covered was just what we were looking for and sets a good foundation for our staff’s detailed review and oversight of modern landfill environmental containment system design and construction.” He added that “the speakers certainly gave us all a lot to think about and with this year across the State having over 300 acres of new double-liner system and final cover system barriers being constructed, the information provided to our technical staff at this event will be put to good use during our construction inspections.”

This seminar was unique in that it provided two days of focused training on the topics of proper landfill design, material specifications, and construction quality assurance; as such, many NYS design engineers took advantage of the reasonable registration rates and convenient location. NYSDEC sent twenty-two technical staff to the seminar which was also attended by landfill regulators from the States of New Jersey and New Hampshire, as well as from the US EPA.

We are lightyears ahead of many facilities in other states. We strive to work closely with our proactive Governor and Regulators in accomplishing great strides in the management of solid waste and recyclable materials. We work together with our partner organizations (The Federation, NYSAR-3, NYSAC, and SWANA-NY) in resolving issues and staying compliant and up-to-date with our methods of operation and development. We never stop improving our operations and maintaining quality control. Although we have put some of the waste issues behind us, there will continue to be challenges that we will have to resolve.

(Continued on Page 7)
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Paul J. Napoli is of counsel and Michelle Greene is an associate at Napoli Shkolnik PLLC.

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- Annual reporting requirements
- Instructions for submitting a waiver

And more!

Please contact FoodScrapsLaw@dec.ny.gov with any questions.
Employment News

OCRR’s Joe Broome Retires After 40 Years of Service

Joe Broome is an institution at the Onondaga County Resource Recovery Agency (OCRRA). He has seen it all, literally. His 40 years of service to OCRRA began before OCRRA, when 43 years ago, Joe joined the Solid Waste Disposal Authority as a Laborer. He learned to operate all equipment and earned his CDLA. In 1978, Joe Broome helped open the Ley Creek Transfer Station and took a leadership position as Union Steward.

In 1994, when the Waste-to-Energy Facility opened, OCRRA had to lay off drivers. Joe was one of those drivers. Never too far away, Joe joined the team at Covanta (the company that operates the Waste-to-Energy Facility across the street from OCRRA’s Rock Cut Road Transfer Station).

Joe returned to OCRRA in 1998 to serve as Plant Supervisor. In 2000, Joe was appointed Safety Officer in addition to his supervisory duties. Based on Joe’s depth of knowledge observed by the Public Employers Risk Management Association’s loss control consultant, in March 2008, Joe was asked by PERMA to join their state-wide Safety Advisory Committee. That same year, with Joe’s leadership, OCRRA earned PERMA-wide recognition by receiving their top risk management award due to OCRRA’s excellent safety record and safety programs.

Joe retires with 40 years of service. Joe has been married to his wife Bernice for 46 years, they have 2 daughters and 1 grandson. OCRRA is what it is today because of the thoughtful, reliable and dedicated passion of Joe Broome. OCRRA is deeply indebted to him for his service.

OHSHA Welcomes New Recycling Coordinator

The Oneida-Herkimer Solid Waste Authority is proud to announce that after interning with the Authority since 2016, Samantha Brown began her position as Authority Recycling Coordinator in 2018. Samantha is responsible for planning and coordinating recycling programs throughout Oneida and Herkimer Counties and providing tours of Authority facilities. She holds a B.S. in Environmental Science from SUNY Binghamton. A primary focus of Samantha’s will be to implement organics recovery programs throughout the region for the Authority’s Food2Energy program.

DANC Expands Recycling Programs with Regional Recycling Coordinator

The Authority is pleased to announce the hiring of a new Regional Recycling Coordinator, Kyle Miller. Kyle is a welcome addition to the rapidly changing arena of recycling, and will help make possible the continued expansion of the Authority’s recycling programs, including for mattresses and other special wastes. Kyle served as Environmental Compliance Officer at the Maneuver Area Training Equipment Site, Fort Drum, for 8 years. He also served in the New York Army National Guard as a UH-60 Blackhawk helicopter pilot, receiving an honorable discharge as a Chief Warrant Officer 2 (CW2) after 10 years of service. Originally from Carthage, Kyle lives in Deer River with his wife and two young daughters.

Deputy Executive Director/Deputy Commissioner

Town of North Hempstead | Solid Waste Management Authority (SWMA)

The Town of North Hempstead is seeking a solid waste management professional with education and experience to serve as the Deputy Executive Director/Deputy Commissioner of the Solid Waste Management Authority. Reporting to the Executive Director/Commissioner, the Deputy will be involved in all phases of operations of the Authority. For more information, see the detailed job posting at northhempsteadny.gov/ Employment-Opportunities
NYSASWM Scholarship Recipients

Six students were awarded funding in this year’s round of the NYSASWM Christiansen-Roller-White-Miles Founders’ Scholarship program. The Board approved scholarships totaling $18,000.

Successful applicants in the amount of $4,000 each were:
- Edward Rabbia, who attends Clarkson University’s Civil and Environmental Engineering program, expecting a Bachelor of Science degree in 2021.
- Nicholas Pasquini – a student at SUNY Buffalo studying Civil Engineering, with an expected graduation date of 2020 with his BS/MS.
- Sara Chase, who attends Clarkson University studying Environmental Engineering, graduating in 2021 with a BS degree.

The three students who received $2,000 were:
- Michael Solazzo, attending Union College, majoring in Managerial Economics with an Environmental Mechanical Engineering minor, expecting his BA in 2020
- Ryan McMullan of RIT, studying Environmental Sustainability Health & Safety, working toward his BS/MS in 2020 and
- Miah Cohall, who attends Manhattan College studying Civil Engineering with an expected 2020 graduation date with a BS degree.

Joe Stockbridge, chairman of the Scholarship committee said, “I am very pleased with the number and quality of candidates for our scholarship this year and the committee felt strongly that these six candidates are deserving of our financial support.” He noted that during this round of applications, 11 candidates submitted, representing seven different colleges and universities.

NYSASWM has now contributed $195,000 in 79 scholarships to a total of 57 students. Applications can be found on the website at www.nysaswm.org and are due the first of February of each year.

PRESIDENT’S CORNER — Continued from Page 4

(i.e. bottle bill expansion, paint stewardship, leachate handling and disposal, emerging contaminants, state funding to aid in meeting some of these mandated requirements, and more).

We are fortunate to have such a strong and unified organization as well as a powerful alliance with our partner organizations to work together in accomplishing so many required objectives. None of us are alone in this endeavor to comply, either. That is why our membership base is so important. Please encourage your peers to join NYSASWM and/or the other organizations to keep the voices strong.

Let’s keep setting the standard in the waste management industry. It is far better than just following the standard.

As Henry David Thoreau said: THINGS do not Change. WE Change.

We have changed many of our old habits when it comes to handling or managing our wastes. We need to realize that more change is necessary as we go forward.

Let’s keep our lines of communication open, as well. I encourage you to go to the NYSASWM website (www.nysaswm.org). There you can see current and up-coming events and you can click on the ‘Contact Us’ tab and send us a message or ask questions about anything pertaining to solid waste, recycling, or just sharing some pertinent information in your corner of the state. Our Executive Director, Jeff Bouchard or I will get back to you with the answers. As we continue to develop the website further we will have a common forum section that will allow members to communicate with each other in all matters of solid waste in New York State.

I look forward to seeing you all at our annual fall conference in Lake Placid, September 29 to October 1, 2019. Until then, be safe and enjoy the remains of summer.
MEMBERSHIP APPLICATION
New York State Association for Solid Waste Management
Established 1975

Please complete the following:

Check type of membership:
( ) Municipal, political subdivision or public benefit corporation
( ) Other professional

Name: ___________________________ Title: ___________________________

Company: ________________________

Mailing Address ____________________________

City: ___________________ State: _______ Zip: ___________

Phone: ( ) __________________ Fax: ( ) ___________________

Email: __________________________

* Note that dues are per person (not per company) and are in effect for the calendar year. Please make checks payable to: “NYSASWM” (dues are $75.00 per person per calendar year) and mail to:

New York State Association for Solid Waste Management
Membership Department, P.O. Box 13461, Albany, New York 12212

Please note that while NYSASWM is a not-for-profit organization, membership dues are not tax deductible as a charitable contribution. To the extent permitted under the Internal Revenue Code, dues may be deducted as a business expense.

This newsletter is a membership benefit.