

The 2006 Federation Conference: Another Amazing Year

The 2006 conference began with a welcome reception and opening of the trade show followed by a spectacular fireworks display over Lake George. This year's conference was well attended and again demonstrated why it is one of the premier conferences.



The technical program was well-rounded encompassing all aspects of solid waste management. Monday's session on Managing Medicines provided an overview of the impacts that pharmaceutical and personal care products can have on the environment. Some of the issues discussed were the classes of various medicines, the effects on waste water treatment facilities, how to properly collect unwanted medicine, the various laws and regulations that play a role and the essential agencies that need to be involved when planning a collection.

During Tuesday's Disaster, Demolition & Debris session Tom Parker of CDM discussed the importance of developing a disaster debris plan. He highlighted the importance of identifying a project team, determining roles and responsibilities, developing a debris classification system and identifying disposal sites as some of

the components of a plan. Bob Brickner of Gershman, Brickner & Bratton, Inc. spoke about reuse, recycling and organized demolition techniques used during demolition of a WTE Facility. The project demonstrated the potential environmental and financial impact that can be made through exemplary efforts to reuse and recycle materials. Some of the success of the project was attributed to political support from the Mayor, a knowledgeable and motivated project team and

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Antibacterial Soap May Affect WWTPs

Recent research suggests a common ingredient in antibacterial soap may cause issues as it typically enters waste water treatment facilities and persists in treated sludge. The study of triclocarbon in sewage sludge suggests that the high rate of sludge reuse as a fertilizer can return more than 1 metric ton of triclocarbon to the environment.

Triclocarbon is commercially known as TCC, a pesticide used as an antimicrobial additive in soaps and body washes. Annual production of TCC is 1 million pounds classifying it as a high production volume chemical by the EPA.

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SWANA INFOrmer

President's Letter



SWANA President's Message – May 2006

Dear Members:

Hello again everyone! We're just coming off another highly successful, attendance record-breaking conference of the Federation of New York Solid Waste Associations at The Sagamore in Lake George. If you weren't there, you missed a great time.

So what did you miss? Well, perhaps some of the questions posed in this year's SWANA scholarship application can help answer that. One of the application requirements is to write a one page discussion of your views on solid waste management by answering a few questions. Here are some of the answers you would have heard and seen at the Conference.

What is solid waste management? The thirty breakout sessions told us that it involves things like: characterizing our waste streams; collecting wastes like fluorescent bulbs, medications and e-waste; hauling them by truck and rail; being an environmental leader; recycling plastics, rubber, e-waste, materials at large public events; waste to energy; landfills and landfill gas; regulations (current and future); construction and demolition debris and disaster debris planning; and many other things. Our environmental authors, Bill McKibben and Heather Rogers, told the stories of how our American system of solid waste management evolved over the past century and how our affluence and appetite for more stuff has produced more waste but we're less satisfied.

Who participates? Apparently a lot of people! Facility owners and operators, consultants, engineers, scientists, investors, regulators, writers, scholars, researchers, haulers, planners, financiers, private firms, public agencies, manufacturers, generators, homeowners, recyclers, volunteers, laborers, administrators, support staff, you name it – and they were all represented at the Conference. Even Wal-Mart participates! We heard their Environmental Director describe their efforts to increase recycling, to move themselves and their suppliers toward sustainable business practices, and their experimental stores to develop and evaluate energy saving and environmentally friendly construction techniques and products. Basically everyone participates in solid waste management in some way. You would have been challenged to think about and re-evaluate the role you play.

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aggressive product markets development. Jenna Jambeck of the University of New Hampshire discussed the evolving C&D debris management and regulations in the Northeast. Currently there are 1,571 C&D landfills in the US. Many of the states in the Northeast have varied regulations regulating C&D which also includes several different interpretations of what C&D material is.

Tuesday's late morning sessions included large scale public recycling. The session began with John Halenar speaking about the efforts made to improve recycling at the Republican National Convention. Waste paper generated at the convention was turned into posters during the event, unused computer/office supplies were donated to schools and some unused food went to a food bank. One of the obstacles to recycling was the heightened security measures that were taken at the venue. Jeff Cooper from Onondaga County RRA, shared his experience with the New York State Fair. The success of implementing a recycling program has been a continual work in progress. Public education materials were key to the success of the program. Planning meetings with vendors and staff of the various venues provided a good platform to developing a successful program. Different types of recycling containers were utilized depending on the venue. One of the more economical containers used outside was a 55 gallon drum with a specialized plywood top. Staff was dedicated to routine pick-ups of trash and recycling. In addition volunteers assisted with follow-up visits with vendors during the event to remind/thank them for recycling. Cis Myers of the Recycling Alliance of Texas shared her experiences with implementing recycling at the First Night Event in Austin. For the event reusable cups were encouraged, biodegradable utensils and recycled content items. Cis described some of the hurdles they encountered while trying to make it a zero waste event and the lessons learned throughout the process.

Going Green in NY Schools was a topic of discussion again this year during Wednesday's session. The four speakers discussed the challenges and successes they faced in implementing a pilot program. Chelle Naef of Naef Recycling, LLC, shared her experience work-

ing with Ed Smith Elementary School in Syracuse. Her participation was key to establishing the program at the school and gaining notoriety as being the first Go Green school in New York State. Students take an active role in collecting and weighing recyclables generated from the classroom. Diane Woske of Fulton County DSW, implemented the program in a small rural school. Students again assisted with the collection of recyclable paper utilizing a rolling cart. John Halenar of The Gaia Institute discussed implementing the program at the much larger High School for Environmental Studies located in New York City. Individuals involved in the program continue to meet routinely to discuss the program. Zoie Riel of Dutchess County provided an overview of implementing the program in a local school and some of the marketing strategies used to promote the program.

Emerging concepts for landfill construction quality began with a presentation on The Need for Improved Landfill Construction Quality a Regulatory Perspective presented by Bob Phaneuf, NYS DEC. Improved construction quality can be achieved by following the updated construction quality assurance procedures. New proposed regulations will require electrical resistivity testing after the placement of the soil drainage media on both the upper and lower liners where slopes are 10% or less, will require a written findings report as part of the Construction Certification Report, the destructive seam testing will be increased to every 1000 feet contingent on acceptable performance and only in areas that are not ERT tested if approved by the design engineer. In addition, the geomembrane installer will be required to be certified and there will be stricter requirements for the qualifications and number of construction quality assurance staff needed onsite. Carl Apicella and Anne Steacy from Agru-America discussed the International Association of Geosynthetic Installers (IAGI) approved installation contractor program. The program began to address issues of poorly trained field personnel and to be a method for determining if an individual is properly trained and experienced. The program requires the review and verification of information pertaining to the company history, insurances, health and safety program, profes-

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sional experience and welding technicians. In addition written references from engineers, contractors and geosynthetic manufacturers need to be submitted. The information is then submitted to a third party to review and verify. The program is not meant to be a substitute for the evaluation process; it provides information demonstrating the company meets minimal

levels of business practices. Robert Koerner, Ph.D., P.E. from GSI spoke about the Geosynthetic Institute's New Certification Program for Landfill CQA Inspectors. Some of the program benefits is it sets minimum criteria for CQA inspectors, provides a forum for dialog of controversial issues, and provides a level of risk reduction.

Corporate Stewardship Highlighted at Federation Conference

The 2006 plenary session featured Dick Pastor the Environmental Director for Wal-Mart discussing the strides the company has made in recycling and waste reduction. Wal-Mart stores serve 138 million people per week. There are currently 1,224 Wal-Mart stores, 1,929 Wal-Mart Supercenters, 558 Sam's Clubs and 97 neighborhood markets.

In McKinney, Texas, and Aurora, Colorado, Wal-Mart has created two experimental stores. These stores are testing experimental technologies and products to explore greater environmental stewardship. The following are a few of the technologies being implemented at these locations:

- Using waste cooking oil from fried foods in a waste-oil boiler to generate heat that is then directed into the heating, ventilation, and radiant floor heating systems.
- Lighting fixtures are placed at 12.5 feet above the produce, which results in less light being needed to effectively light the vegetables and fruits.
- Utilizing a baling system called the sandwich bale the company is able to take plastic and press it between two stacks of cardboard and bundle it for transportation.
- To supplement energy a 50-kilowatt wind turbine is being utilized. The energy it produces will reduce the electricity consumption by approximately 5 percent.

In addition Wal-Mart worked with one of their suppliers to reduce packaging on just 16 items and used 230 fewer shipping containers to distribute their products. They also made improvements to their fleet to increase fuel efficiency such as adding wind skirts under the trailer to reduce wind resistance and switching to single wheel tires instead of the traditional two wheels on the rear axle.

Wal-Mart has also developed a program to conserve at least one acre of priority wildlife habitat for every acre developed over the next 10 years. This is in an effort to cover their current footprint and future development. To achieve this Wal-Mart has formed a partnership with the National Fish and Wildlife Foundation centers in the United States.



Legislative and Regulatory Issues Affecting the Management of Municipal Solid Waste

Edited for NY SWANA Newsletter

April 2006

SWANA HOT ISSUES

I. Federal Tax Credits for Energy Produced from Landfill Gas (LFG), MSW Combustion, and Recycling.

The comprehensive energy legislation (H.R. 6) passed Congress and was signed into law by the President on August 8, 2005. This legislation included an extension of the renewable production tax credits for facilities that produce electricity from landfill gas (LFG) and waste-to-energy (WTE) from January 1, 2006 to December 31, 2007. Originally, this window would have expired at the end of 2005. Additionally, the payout was extended from 5 years to 10 years.

Last year a 15% tax credit for recycling equipment was added to the Senate energy bill's tax title. Known as the Recycling Investment Saves Energy (RISE) provision, it was subsequently dropped from the final conference report.

II. Clean Air Act

EPA Proposes NSPS changes for WTE

The U.S. Environmental Protection Agency (EPA) has proposed changes to New Source Performance Standards (NSPS) and emission guidelines under Section 129 of the Clean Air Act for municipal waste combustion (MWC) units with a capacity of 250 tons per day or more.

The proposed amendments to the existing regulations will revise NSPS standards for lead and cadmium and emission limits on dioxin/furan and lead. Also, the

revisions will seek to change the units of measurement of emission limits for cadmium, lead, and mercury from milligrams per dry standard cubic meter to micrograms per dry standard cubic meter.

Further revisions include operator stand in provisions to clarify how long a shift supervisor can be off site; would add to two additional classifications for MWC units to the emission guidelines for CO; establish an 8 hour block average for measuring activated carbon injection rate; and revise the annual mercury testing requirements. Other revisions pertain to the reduced testing requirements for well operated MWC units; annual compliance testing schedule; increase the data collection rates of the continuous emission monitoring system; the particulate matter compliance testing requirements.

States would be required to make the revision within a year of the rule changes and MWC units would be allowed up to two years to comply after state revisions.

III. Resource Conservation and Recovery Act

SWANA Signs onto Rail Preemption Petition

SWANA and other stake holders have formally petitioned the U.S. Surface Transportation Board (STB) to revoke previously granted exemptions to rail road facilities in New Jersey that have allowed unregulated solid waste disposal to operations. The STB's preemption authority was established by the Interstate Commerce Commission Termination Act (ICCTA). Under preemption authority, MSW facilities are exempt from state and local laws that would normally be required for operation. The original intention of the ICCTA is

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Legislative and Regulatory Issues Affecting the Management of Municipal Solid Waste

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to give the STB broad preemption authority to remove obstructions to rail commerce that may be implemented by a state or local government. However, in recent year's rail companies have been using this authority to create MSW transfer and dumping locations to avoid state and local permitting, zoning, and planning laws and oversight. By doing so, creating an economic advantage with other solid waste competitors as well as becoming a health and environmental hazard to the communities they are near.

The petition seeks to preserve state and local jurisdiction over MSW facilities and requests that the STB review the rail sites in New Jersey that are currently using the preemption to skirt compliance with state and local laws and regulations. In addition, it also requests that the STB promulgates rules closing the loop hole that allows for unregulated solid waste facilities on rail property.

Senate Bill Seeks to Adjust LFG Section 29 Tax Credit

The Senate passed The Tax Relief Act, S.2020 on November 18, 2005. Included in this legislation is a modification to the nonconventional fuels credit also known as Internal Revenue Code Section 29 tax credit. The section 29 tax credit applies to "direct use" landfill gas facilities (LFG) that uses the methane to offset other fuel sources (i.e. natural gas, coal, oil etc.) and can be used in variety of ways. The section 29 credit is tied to the price of conventional fuel. Should this legislation be enacted, the tax credit for 2005 would be calculated at 2004 prices. Current law uses fuel prices from the same year as the tax filing. This adjustment was done in response to the surge in fuel prices this year that would have made the credit practically unusable.

Government Accountability Office Releases Report on Electronic Waste

The Federal Government Accountability Office (GAO) released its report on electronic waste on December 12, 2005 (completed on November 10). The GAO is an independent, nonpartisan agency that

works for Congress by investigating how the federal government spends taxpayer dollars and gathers information for Congress.

The GAO report recommends that the federal government can strengthen its role to encourage electronics recycling and the reuse by proposing options to Congress for overcoming factors negatively affecting the recycling and reuse of electronics; promoting wider federal agency participation in EPA programs; and taking steps for the safe handling of electronics if exported.

The full report can be found on www.gao.gov and searching by the report number GAO-06-47.

IV. Clean Water Act/Wetlands

Clean Water Bills Seeking Clarification on Wetlands Issues

The Federal Wetlands Jurisdiction Act of 2005 (H.R. 2658) is one of three bills introduced May 26 that would affect Clean Water Act programs. The second bill (H.R. 2684) would reauthorize the clean water state revolving fund (SRF) at \$25 billion over five years, while the third (H.R. 2719) would clarify the definition of fill material.

H.R. 2658 seeks to provide national consistency regarding which bodies of waters would be covered by the Clean Water Act and would protect the rights of states to regulate isolated wetlands and other waters.

The legislation to boost funding for the clean water SRF was introduced May 26 by Reps. Sue Kelly (R-N.Y.) and Ellen Tauscher (D-Calif.). Money in the fund is allocated to states on a set formula and is used to make loans to communities for the construction of water and wastewater treatment plants.

Under the legislation, in fiscal year 2006, the fund would be authorized at \$3 billion and would go up another billion in each subsequent year through fiscal 2010, when the total would be \$7 billion.



Litigation Affecting the Management of Municipal Solid Waste

April 2006

Edited for NY SWANA Newsletter

Flow Control With No Local Favoritism Is Permissible

Ten years ago, waste haulers in New York State filed suit against Oneida and Herkimer counties and a waste authority. County ordinances required all locally collected waste to be transported to designate facilities managed by the waste authority. The haulers claimed that the regulations discriminated against interstate commerce by excluding non-local facilities from the waste processing market.

The U.S. Court of Appeals for the Second Circuit reversed a federal district court ruling in favor of the haulers, finding no discrimination in the county laws because both local and non-local private entities were similarly affected. The appeals court remanded the case to the lower court for a determination of whether the burden on commerce outweighed any local benefits. [United Haulers Association v. Oneida-Herkimer Solid Waste Management Authority, 261 F.3d 245 (2d Cir. 2001)] The U.S. Supreme Court refused to review the decision.

The parties returned to the district court where the case was presented to a federal magistrate based on a stipulated statement of facts. Each side then argued for a judgment in its favor. The magistrate found no burdens on interstate commerce and recommended that the district court dismiss the lawsuit. The district judge adopted the magistrate's findings and ruled in favor of the defendants.

On appeal, the Second Circuit declined to decide whether the ordinances actually burden interstate commerce but declared that "even if we were to endorse the plaintiffs' claim that the Counties' ordinances burden interstate commerce by preventing the

Counties' wastes from being processed by non-local facilities, the resulting burden would be substantially outweighed by the ordinances' local benefits."

United Haulers Association v. Oneida-Herkimer Solid Waste Management Authority, No. 05-2024, 2d Cir., Feb. 16, 2006.

Flow Control to Public Facilities Struck Down

Kentucky law makes counties responsible for creating and enforcing solid waste management plans within their jurisdiction. Daviess County decided to manage municipal solid waste collection by passing an ordinance that established nonexclusive franchises. The standard form franchise agreement requires the hauler to transport all locally collected waste to county-owned facilities.

Republic Services, which operates a waste collection business in the county, has been disposing of wastes at the county transfer station and at its own landfill in Kentucky. The company has plans to transport some waste out-of-state for disposal.

The National Solid Wastes Management Association, on behalf of Republic, filed suit against Daviess County in federal district court. The complaint alleged that the ordinance discriminates against interstate commerce. For its part, the county defended by arguing that the court should adopt a ruling from a New York federal appeals court, which had upheld county ordinances requiring locally generated waste to be disposed of at publicly owned facilities. United Haulers Association v. Oneida-Herkimer Solid Waste Management Authority, 261 F.3d 245 (2d Cir. 2001).

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Litigation Affecting the Management of Municipal Solid Waste

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The district court judge, however, rejected the public/private distinction in the United Haulers case, and, not surprisingly, followed legal precedents handed down by the federal appeals court whose rulings govern activities by local governments in Kentucky. The court ruled that the ordinance plainly discriminated against interstate commerce.

On appeal, the ruling was upheld. The appellate panel refused to ignore prior decisions in the circuit, and all but stated that the United Haulers case was wrongly decided. “[P]ublic ownership does not change the . . . Commerce Clause inquiry,” the court said. The key is “whether the local ordinance burdens interstate commerce, not whether the local entity benefited . . . is publicly owned.”

National Solid Wastes Management Association v. Daviess County, 434 F.3d 898 (6th Cir. 2006)

Welcome New Members

- ◆ Mark Bertane, Blackhawk Technology, Glen Ellyn, IL
- ◆ Edward Nesselbeck, Conestoga-Rovers & Assoc., Inc., Depew, NY
- ◆ Steven Suber, Forest Fibers, Inc., Seekook, MA
- ◆ Harry Weed, Inc. Village of Rockville Centre, NY
- ◆ Everett DeMorier, Landfill Service Corporation, Apalachin, NY
- ◆ Thomas Vetri, Town of Babylon, North Babylon, NY
- ◆ Victoria Russell, Town of Babylon, North Babylon, NY
- ◆ Jeanne Compitello, Town of Brookhaven, Farmingville, NY
- ◆ Hudson Valley Regional Council, New Windsor, NY
- ◆ John Zoubek, Clearwater Technology, Inc., Newark, NJ
- ◆ Russell Barnett, Town of Smithtown, NY
- ◆ Howard Barton III, Town of Smithtown, NY
- ◆ Eric Steinhauser, Sanborn, Head Engineering, P.C., Concord, NH
- ◆ Thomas Sweet, Lewis County Solid Waste Development, Lowville, NY
- ◆ Joel Falbo, Seneca Meadows, Inc., Waterloo, NY
- ◆ Judith Thorman, American Beverage Association, Washington, DC

SAVE THE DATE!

WASTECON
September 19-21, 2006
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ACCELERATE YOUR CAREER
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SOLID WASTE ASSOCIATION OF NORTH AMERICA

Antibacterial Soap May Affect WWTPs

(continued from page 1)

The compound tends to attach to particles in the sludge because of its hydrophobic nature. It remains in the sludge even after 19 days of anaerobic digestion. The presence of triclocarbon in sewage sludge has raised questions about its reuse as a biosolid. Treated sludge used as biosolids is classified, under federal regulations, on the basis of levels of pathogens and other contaminants. Currently about half of biosolids generated from wastewater treatment facilities are recycled to land for agricultural and other uses according to EPA statistics.

Researchers are investigating whether triclocarbon is bioavailable in soil or if it stays attached to particles, which would limit any impact. To provide more information to researchers on the composition of sludge John Hopkins University has established a National Biosolids Repository. The goal of the nationwide project is to identify synthetic compounds that persist in municipal sludge and to estimate the chemical input to agricultural soils by sludge reuse.



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SAVE THE DATE

BIOREACTOR/LEACHATE RECIRCULATION

DESIGN & OPERATIONS
TRAINING SEMINAR

by
NY SWANA Chapter

ALBANY, NY
NOVEMBER 8, 2006
8:00 AM to 3:00 PM

Basic design and operator training on bioreactor technology and leachate recirculation concepts. Seminar offers practical design, operating techniques and experiences for engineers, landfill managers and regulatory staff. Topics include:

- Design options and methods
- Costs and benefits; short term and long term
- Landfill gas implications and designs
- Odor Control issues and concerns
- Moisture content and water balance
- Stability evaluations
- Operating systems examples
- Regulatory requirements

Speakers will include New York and nationally recognized design professionals and landfill operator/managers providing theory, design and site specific examples of permitting/operating experiences. NYSDEC staff will review permit and operating requirements. Comments on EPA RD & D Rule for bioreactors.

Location and program to be announced in September. Continental breakfast and lunch.
NY PE Continuing Education Credits and SWANA CEU Credits will be offered.

Cost: Member: Early \$60 Late \$75
Non-member: Early \$75 Late \$90

Advance expression of interest in attending (with no obligation) is appreciated. Send e-mail to msalerno@scsengineers.com and include the following:

I PLAN TO ATTEND THE Nov. 8 2006 NY SWANA BIOREACTOR SEMINAR: YES _____. Send me a copy of the program when available. Please provide your name and e-mail or address.

Engineering
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Solid Waste Facilities

- Transfer Stations
- Waste-to-Energy Facilities
- Landfills
- Material Recovery Facilities
- Recycling & Composting Facilities



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Newsletter Advertising Opportunity

The New York State Chapter is excited to now offer advertising opportunities in future editions of the newsletter. While there is no current fee (subject to possible change for future newsletters) to advertise the following minimum criteria must be satisfied:

- An employee of the firm must be a member of the SWANA NYS Chapter in order to advertise in the newsletter.
- The firm must write an informative technical article of 500 to 600 words to accompany the advertisement that is not self-serving of the firm. Two people on the Board of Directors, who are independent of the firm, will review the article.

- Articles selected may be limited to available space in the newsletter.
- The advertisement must be smaller in size than the written article.

There will be a limit of three (3) articles per newsletter.

- The current newsletter will identify the theme for articles to appear in the next newsletter.

The theme for the upcoming newsletter is: **Bioreactor Landfills**. Please send all advertising/articles to debsmith@co.broome.ny.us by August 15, 2006 to appear in the Fall Newsletter.

President's Message

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What are the current issues facing the profession? There is certainly no lack of current issues. We heard about difficulties implementing storm water control at landfills; handling odors and leachate and gas condensate at landfills; chasing mercury and getting it out of the waste stream; finding practical uses for recycled glass; developing tire recycling markets; bidding projects; new certification programs in geosynthetic installation and quality assurance; cleaning up brownfields sites; getting a handle on how and when to end post-closure care at landfills; automated collection myths; and much more.

What is its future direction? That's what we're all trying to figure out! The presenters at the Conference thought it might involve green schools, green highways and byways; better technology to do things like utilize landfill gas and more efficient equipment to transport waste; limited future disposal capacity – so we'd better keep planning; better regulations; expanded applications for composting and organic waste management; and perhaps even a paradigm shift to deal with the waste generation potential of an exploding global population and expanding affluence. We will all have a role to play in whatever direction it goes. Have a great summer! See you at next year's Conference!

Scott Menrath
President

2006 Scholarship/Financial Assistance Program

During the Annual Conference at the Sagamore, the SWANA NY Chapter Scholarship Committee met to discuss the 2006 Scholarship/Financial Assistance program awards. After careful consideration, the committee is pleased to announce the following awards recipients.

Category I

Ryan Michael Menrath \$1,500
Andrew Brooks \$500

Category 1A

Lindsay Heins \$1,000
Ellen Arnold \$700

Category II

Steven Pytlar \$1,000
Joel Chase \$500

In addition, the committee decided to forward the applications for Ryan Menrath and Steven Pytlar to National SWANA for consideration of national awards.

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Dates to Remember

Wastecon 2006

September 19-21, 2006

Charlotte Convention Center

Charlotte, NC

Visit www.WASTECON.org for details

New York State Association for Solid Waste Management (NYSASWM) Fall Conference

September 24-26

Hilton Lake Placid Resort, Lake Placid, NY

Contact hours to be offered for continuing education for professional engineers

Visit www.newyorkwaste.org for more details

North Country Regional Stormwater Tradeshow & Conference

October 19, 2006

Fort William Henry, Lake George, NY

Call 518-623-3119 or email: district@nycap.rr.com

September 2006							October 2006							November 2006							
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Bioreactor/Leachate Recirculation Design & Operations Training Seminar

By NY SWANA Chapter

November 8, 2006,

Albany, NY

Visit www.swanany.org for more details.

2006 New York State Recycling Conference New York State Association for Reduction, Reuse & Recycling (NYSAR)

November 16 & 17, 2006

Syracuse University Hotel and Conference Center

Visit www.nysar3.org for more details.



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New York Chapter News

c/o Russell Rutkowski

Monroe County Dept. of Env. Services

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