



January 19, 2023

Testimony for NYS Senate Joint – Public Hearing: To examine the legislative and budgetary actions necessary to implement the Climate Action Council Final Scoping Plan

Westchester Alliance for Sustainable Solutions (WASS) is a county-wide effort to move our communities to Zero Waste and make the Wheelabrator Westchester garbage incinerator obsolete. WASS is based out of Peekskill, NY, an environmental justice community that is home to the Wheelabrator facility that burns most of Westchester County's trash. It is the largest source of air pollution in the county, the health impacts of which are harming Peekskill and neighboring communities.

We strongly recommend the state put a price on carbon emissions from all electric generators, counting 100% of the CO₂ emissions from their stacks, based on continuous emissions monitoring. Data reported by the industry to the U.S. Environmental Protection Agency shows that trash incinerators are 65% worse for the climate than coal power plants, per unit of energy produced.

As an environmental justice community, we know full well the costs that our communities will have to pay, with our health and quality of life if we do not commit to solving the health emergency caused by our continued reliance on trash incineration. We are very disappointed to see that the finalized Scoping Plan does not fully commit to ending trash incineration, nor does it usher in the closure of our current aging incineration facilities, despite the harm and dangers they continue to pose to the communities that surround them. For this reason we feel that the implementation of the current CLCPA Scoping plan must take into account disadvantaged communities (DACs) that are dealing with infrastructure utilized by multiple communities so that funding disbursement may account for this.

We commend the effort to set aside additional funds for DACs. However we feel the criteria would benefit from inclusion of a measure that specifically identifies communities that are DACs because of siting regional municipal/community infrastructure. This additional measure would ensure that funds from communities benefiting from those shared resources are jointly used to address emissions reductions and corrective actions/alternatives.

For instance, Peekskill is home to two Title V Air Permit holders: SunChemicals plant, an industrial site, and WIN Waste's Wheelabrator trash incinerator, a facility that handles all of Westchester County's trash.

Peekskill has higher rates of asthma, heart attack, and lung cancer than the rest of Westchester County due, at least in part, to the pollution from the incinerator. While Peekskill could use state funding to address emissions from this facility, it is not in the spirit of the DAC criteria for Peekskill to use its piece of the pie to fix a county-wide problem.

In order to address the environmental racism of siting the trash incinerator in Peekskill to burn the entire county's trash, we need county-wide solutions. Those county-wide solutions should not come out of Peekskill's funds while other, advantaged communities get to use their funds for their own needs.

As it stands now, a non-DAC that benefits from siting shared community resources (like sewage treatment and trash incinerators) in an EJ community can apply for state funding to meet their own community's needs, while the DAC would need to use its state funds to address the burden placed upon it by other communities. This is neither equitable, nor just.

Communities are "advantaged" because they disadvantage others. Wealthy, white Westchester County municipalities breathe clean air because they send their garbage to Peekskill for incineration. It was the choice of Westchester County to foist its trash problem on Peekskill. It should not be left to Peekskill to fund the solution.

Advantaged communities should have to give a share of their climate funding to offset the harm they are causing to DACs.

In Peekskill's example, we would rather use our funding to address local concerns and share the costs of addressing the incinerator with the entirety of Westchester County, not be left to pay for a solution to the environmental racism that made us a disadvantaged community.

Additionally, we have concerns that the current scoping plan continues to promote land application of sewage sludge on farm fields. In addition to numerous other chemical contaminants, all sewage sludge (so-called "biosolids") from wastewater treatment plants is contaminated with PFAS "forever chemicals" typically in the parts per billion range. The use of sewage sludge and sewage sludge-based products (including composts and fertilizers) as a soil amendment contaminates farmland, gardens, and landscapes with PFAS. PFAS are highly persistent. Well-known PFAS chemicals such as PFOA and PFOS are mobile and water-soluble. Repeat applications of sewage sludge-derived soil amendments increases the soil and water levels of PFAS (and contaminants such as heavy metals found in dangerous concentrations in some sewage sludge). PFAS are taken up by crops and other plants. They bioaccumulate up the food chain. They leach into groundwater and also end up in surface water when sewage sludge products are land applied. Lab tests have found that farm families cultivating land where sewage sludge products were applied 40 years ago have blood levels of

PFAS as high as factory workers that work with PFAS. PFAS levels in their soil, crops, and drinking water wells are harmful to human and livestock health.

There are no remediation methods available for PFAS-contaminated soil.

Last spring the state of Maine banned the land application of sewage sludge in any form and established a \$60 million fund to compensate impacted farmers. NY should enact such a ban as well.

Finally, WASS is supportive of strong legislation that will rapidly decarbonize New York, make our state healthier and more equitable, ensure a just transition for workers, and help create an accessible green economy for all. For this reason we urge you to pass the Climate, Jobs and Justice Package to ensure that 40% of the state's clean energy benefits go to disadvantaged communities, create unionized jobs in the clean energy sector, lower utility bills, protect our air and water, and ultimately lead to healthy, thriving neighborhoods and New York State.

In summary, we believe it is imperative that the state move to address the dangers posed by garbage incineration in recognition of the greater climate and health impacts they pose that make them more harmful than landfills or even coal power plants, and with a greater environmental justice impact. We ask that you price carbon, ensure that more privileged communities have to use their share of state support to undo damage they cause to EJ communities, and stop sewage sludge dumping on farm lands.

Sincerely,

Vanessa Agudelo

On behalf of Westchester Alliance for Sustainable Solutions