

Saratoga Biochar Solutions LLC Site Plan Application Supplemental Submission: Responses to May 12, 2022, Public Hearing Statements

June 6, 2022

Background: As part the Moreau Town Planning Board’s site plan application review pertaining to the proposed Saratoga Biochar Solutions (“SBS”) project, two public hearings have been held. The first was held in December 2021 and was attended by one resident. The second was held May 12, 2022. It was attended by many more residents and non-residents. Some residents also submitted concerns directly to the Town of Moreau by email.

This document is to provide the Planning Board with the Applicant’s responses to concerns raised by the public. It is important to note that there were not any legitimate “new” concerns raised. Furthermore, most of the concerns have been addressed on the Applicant’s website (www.saratogabiochar.com) in detail. To streamline the preparation and delivery of these responses, SBS has consolidated the concerns as follows by subject matter.

1. **Town Code Article 92:** A statement was made that Town Code Article 92 “Disposal or Processing of Certain Waste Prohibited in the Town of Moreau” prohibits the Planning Board from approving the proposed by Saratoga Biochar Solutions site plan application.

This section of code is not applicable to the project because it specifically defines “prohibited waste” as being “defined as toxic ignitable, reactive, hazardous or corrosive by the USEPA and/or NYSDEC.” This section further defines prohibited “commercial” and “Industrial” waste, which also are not applicable to biosolids. Therefore, the project complies with the Town code and is not subject to Chapter 92. The attached report from Sterling Environmental entitled “Site Plan Application – Applicability of Town Code Chapter 92” and dated June 2, 2022, fully supports this determination.

2. **Fire and Emergency Preparedness:** Multiple statements were made expressing concern that the Saratoga Biochar facility was not adequately planned relative to fire safety and emergency response. However, the SBS facility fire risk management and emergency plans were reviewed with the Saratoga County Office of Emergency Management and with the South Glens Falls Fire Department. That review started an ongoing, collaborative process between SBS, the Town of Moreau, and the county emergency and local fire department officials. Evidence of this review and its status can be found in the attached PDF entitled “Emergency Preparedness Planning 01June2022.” Furthermore, fire and emergency response must be revisited and approved by the relevant municipal departments prior to SBS receiving a building permit.
3. **Noise/Odor:** Multiple comments about noise and odor concerns were made and the questions “how would complaints be handled” and “who to contact” with complaints were raised.
 - a. SBS respects this concern and thus created the attached “Good Neighbor Policy” which sets forth commitments for the owners of SBS to avoid such problems, to provide 24/7

email and phone contact information for residents, and to respond to and rectify any such complaints in a timely manner.

- b. SBS recognized that more detail could be provided relative to noise from the facility, noise restrictions in the Industrial Park, and the facility’s planned noise mitigation measures. To that end, SBS’s project consultant Sterling Environmental has prepared the attached letter with the subject header “Saratoga Biochar Solutions, LLC Site Plan Application, STERLING File #2020-20,” dated June 1, 2022. Review of same will help the Planning Board better assess and understand noise impacts from the proposed SBS facility.
4. **PFAS:** Several comments about PFAS were made relative to its potential presence in SBS’s fertilizer product and air emissions. This topic has come up in multiple forums and capacities. SBS continues to provide third party research and test result resources in our effort to educate the public about successful methods of PFAS remediation through thermal treatment.
- a. A citation was made to a Sierra Club fertilizer study, <https://www.sierraclub.org/sludge-garden-toxic-pfas-home-fertilizers-made-sewage-sludge#executive>). SBS has reviewed this study and found that it used dewatered and/or dried biosolids as fertilizer. Dewatered and dried biosolids contain traces of PFAS as dewatering and drying processes alone do not destroy PFAS/PFOAs in the material. This adequately describes the biosolids the SBS facility receives and the state of the biosolids after the pre-drying step of SBS’s process, however, the Sierra Club article does not contemplate the pyrolysis and thermal oxidation processes that SBS uses to remediate PFAS and other contaminants. Thus, the Sierra Club study is not relevant to the SBS site plan application review.
 - b. SBS recognizes that the science behind PFAS remediation is new and not widely understood by the general population. SBS has studied this topic extensively and has prepared the attached “PFAS Remediation - Technical Information” packet for TPB review.
 - c. The NYS DEC has verbally set the expectation with SBS, during an air facility permit application review call held May 3, 2022, that stack emissions test requirements for permit compliance will contain provisions for residual PFAS testing. Moreover, even without such a permit compliance mandate from NYS DEC, SBS commits to stack testing for PFAS, regardless. SBS repeatedly stated that we remediate “the PFAS problem;” thus we shall proudly demonstrate our abilities to do so.
5. **Water and Wastewater Capacity:** Water and wastewater capacity were raised as issues by multiple attendees. Adequate capacity is documented in the water and wastewater engineering reports. The site plan application and information specific to water and wastewater were provided to and reviewed by Mr. Mike Mooney, who raised no such concerns. The Town’s designated engineer (TDE) LaBerge Group has reviewed the site plan application and raised no

such concerns. The Glens Falls WWTP reviewed the applicants proposed wastewater outflow and provided a letter of acceptance expressing no such (wastewater capacity or content) concerns.

6. **Truck Traffic and Spill Control:** Multiple commentators raised the topic of concern regarding truck traffic to and from the SBS facility, and the potential for truck spills. The truck traffic proposed by SBS falls well within the Industrial Park GEIS capacities. This has already been demonstrated for the TPB in prior site plan review submissions and discussions. Notably, SBS will be only the second business to locate within the Moreau Industrial Park. One or more commentators also suggested that biosolids are “hazardous” materials and that the potential for spillage of biosolids in Moreau poses a human and/or environmental health risk.
 - a. SBS and its biosolids feedstock provider Casella Organics prepared the attached, integrated “Spill Control Plan” which addresses concerns about the potential for biosolids spills and the plans for rapid clean up, should such a spill ever occur.
 - b. Biosolids are not hazardous material, nor are they liquid. The SBS facility does not receive raw sewage, septic, or any form of hazardous material. The biosolids the SBS facility does receive are regulated and tracked by the EPA and NYS DEC.

7. **General Commentary:** Multiple non-specific, inaccurate, and irrelevant comments were made by several commentators. A vast majority of these comments have been addressed on the SBS website (www.saratogabiochar.com). In general, SBS has gone to significant lengths to design a facility that tackles the biosolids problem in New York using the most ecological means currently known. The facility is designed to eliminate traces of contaminants, including PFAS, commonly found in biosolids, a non-hazardous waste generated by publicly owned wastewater treatment plants. The SBS facility will provide a new avenue for processing and beneficially utilizing biosolids in a way that avoids the spread of trace contaminants that currently occurs with all other biosolids disposal methods. The SBS facility is a custom-designed facility to manage odors and noise to avoid becoming a nuisance to our neighbors. Air treatment process is designed to be ahead of the curve in that it goes beyond current regulations by remediating PFAS and ammonia from the exhaust gas in addition to regulated air emissions. Lastly, the SBS facility reduces GHG emissions relative to current biosolids disposal methods and creates a revolutionary Carbon Fertilizer™ product that restores soils and helps reduce nutrient application and runoff from farms.

Despite our intent to improve the environment, safety and well-being of New Yorkers by providing a solution to the pressing biosolids management problem, SBS continues to receive unfounded claims from constituents that apparently have not read the scientific studies that SBS has publicized on its website (www.saratogabiochar.com). For instance, one comment was made during the public hearing regarding aerosolized cadmium at military bases and the numerous health effects it has. While the fear is understood, the applicability to the SBS process is not relevant. Another commentor mentioned the local fire truck couldn't reach the

top of the facility's emissions stack with its ladder truck. While this may be true, it is also completely unnecessary for a ladder truck to reach the top of the facility's emissions stack.

Furthermore, the public hearing provided a forum for dissemination of false information. Specifically, one comment from Moreau resident Matt Boucher indicated that SBS executives would not agree to test stack emissions beyond DEC requirements. That statement was untrue. A copy of the recorded meeting, which occurred on 4/12/22, was provided to the Town of Moreau on April 18, 2022. SBS encourages Town Planning Board Members and residents to review that recording for validation. Specifically, within the last four minutes of the recorded meeting, in response to pressure from Mr. Mike Ewall to compel SBS to make a commitment to stack test beyond the permit compliance requirements of the regulator (NYS DEC), SBS President Bryce Meeker stated "I've been relying on the regulator for [stack testing] guidance. If you've got some better guidance for us, I'm all ears. If you think there is something we should be doing for monitoring, I'll look into it, I'm interested. I've been relying on the DEC to do their job." In reply to that, Mr. Ewall only stated that "Dioxins are one of the things I think you should continuously monitor, I would say mercury is another." Mr. Ewall has yet to follow up to provide additional guidance as Mr. Meeker invited him to do so. SBS fielded all questions by the Clean Air Action Network of Glens Falls during that recorded meeting. Notably, their top scientific expert generally agreed with what SBS has proposed. Again, SBS encourages planning board members and the public to review the recorded meeting.

In conclusion, SBS has gone to great lengths to correct false information and distill fact from fiction for the public on its website, SaratogaBiochar.com. While it is not practical or necessary to respond to all unsupported and/or irrelevant assertions, SBS has done its best to address relevant public comments received to date. At this point, it is most appropriate to receive further feedback from the NYS DEC regarding human health and environmental health and safety.