

**Town of Andes
Regular Board Meeting
September 9, 2014 at 7:00PM
Andes Town Hall**

Present:

Deputy Supervisor Wayland Gladstone	Councilman Thomas Joyce
Councilman Thomas Hall	Councilman Dale Cole
Supervisor Martin Donnelly-Absent and Excused	Town Clerk Kimberly Tosi
Highway Superintendent Michael McAdams	

Other:

Duane Martin	Susan Martin
Jimmy Hickey	David Bartlen
Mark Pezzati	Cheryl Peterson
Thomas Coddington-Walton Reporter	

Call to Order:

The meeting was called to order at 7PM by Deputy Supervisor Gladstone.

Pledge:

The pledge of allegiance was led and recited by Councilman Joyce.

Privilege of the Floor:

Duane Martin-Delaware County Farm Bureau
RE: Clean Water Act

Mr. Martin introduced a new resolution for the board in regards to the EPA's proposed changes to the Clean Water Act. He asked the board to consider passing the resolution because the changes to the current law would be very detrimental not only to farmers but to municipalities as well. Delaware County has also passed this resolution.

Jimmy Hickey and David Bartlen
RE: New Town Website

Mr. Hickey and Mr. Barlen introduced the town's new website which will be launching shortly. Thank you to both individuals for all the hard work and fantastic new website.

A new form will be available on the website so that all businesses can be included. It was suggested that a buy local section be added.

Reports:

Supervisor's Report

1.) August business will be combined with the September business due to no meeting in August.

2.) We will have a tire bin at our transfer station for two weeks starting September 17th and 20th and September 24th and 27th. We cannot accept tractor or large truck tires or any tires that have rims on them.

3.) We sent out a RFP in July for the interior construction carpentry work. The phase 1 work was awarded to Forrest Day on July 22, 2014 at the same meeting Ben Reynolds was given the job of leveling the floor at the proposed new court house. The cement work has been completed and we are ready for the carpenters to start.

4.) We had a number of problems at the pool in June, July, and August. We were finally able to overcome them with the help of Tom, Bud, Jim Suzzo, Rachel and others. The pool closed on August 29 for the season. We will convert the bromine filters to a chlorine system. Delaware operations will handle the conversion. A suggestion was made that a fee should be charged.

5.) We had a Delaware County Farm Board Rep speak tonight they would like us to support a resolution to oppose the EPA's expansion of what they would now consider a wetland, this has been defeated many times but they keep bringing it up again and again. Delaware County has opposed this as well.

6.) On September 4, Kim wrote to us about our 2015 bids. We have to resolve this tonight.

7.) Marge and Dave will be on vacation from 9/8 to 9/12.

8.) Kim and I received a civil rights compliance request from the USDA, this was our first notice of this requirement they claim it's due every three years the garage is approximately 9 years old.

9.) Senator Seward thanked us for the use of the Town Hall on August 7 for a Town Hall meeting.

10.) On September 3, Marge responded to the DEC request for the current status of the work at the Railroad station. Artie has taken the busted windows to Oneonta to be repaired.

11.) Our bond attorneys confirmed we do not have to respond to the SEC request in reference to our highway garage on 8/14/2014.

12.) Dave has sent us a copy of the latest rejection of a current appeal he is handling for us by the appellate division dated 8/13/2014

13.) Dave spoke to Mr. Strahan on August 7, 2014 and told him he doubts that Carpino Road will ever be taken over by the Town.

Highway Report

*There will be no highway report this month. The highway department unfortunately is having computer problems.

**Several Quotes have been obtained for a Grader, loader and trucks which are all needed.

Highway Superintendent McAdams advised the board that a plow truck is needed before winter and a grader is also needed a.s.a.p. McAdams was asked to provide the board with a priority list of all equipment needed by the highway department.

Currently there are 7 trucks and 7 drivers. McAdams requested that the job opening he currently has be filled by a mechanic with a CDL.

McAdams currently has two requests in for trucks through Army Surplus. However if he does not receive these the town will have to look elsewhere for a truck.

It was decided that the board would wait to see the final outcome of the Army Surplus trucks and then will see where money can be pulled from to purchase a different truck.

Town Clerk's Report

*Please remember that there is a Democrat and Republican primary today. Voting will take place until 9PM in both polling locations.

**Hunting licenses are now on sale. DMP's are on sale until October 1, 2014.

**There will be a budget workshop on September 16th at 7PM at the Town Hall.

***We received a check from FEMA in August for \$600.00 for the 2011 flood.

****The November board meeting date will have to be changed as it will fall on Veteran's Day.

Committee Reports:

Railroad Station- Deputy Supervisor Gladstone informed the board that the line from the NYSEG to the pole still needs to be dug. He was supposed to do it, but it needs to be done with an excavator. Waiting for LaFever to call back to arrange this.

Pool- Councilman Joyce reported on the pool. It is believed that there is a possible leak somewhere. Also the current chemical system is ineffective and will be changed to a chlorine system by Delaware Operations. In the future the opening and closing of the pool will no longer be done by the lifeguards. In the Spring of 2015 the pool will be drained, cleaned and filled earlier. The pool should be open by July 1st. Staffing is a continuous problem. The current salary is equivalent to most of the surrounding municipal pools. The Town would like to extend the offer to pay half of the tuition of anyone who completes the course and comes to work for the Town. Joyce will be going to the surrounding schools to try and get interested students to take advantage of this opportunity.

Motions:

Motion to approve the July 2014 Regular Minutes, July Special Meeting Minutes, July and August town clerk's financial report, July and August supervisor's financial report and July and Augusts justice's financial report made by Councilman Joyce, Seconded by Councilman Cole. All in favor, Supervisor Donnelly absent and excused. Motion carried.

Motion to authorize the advertisement of the Fuel bids and winter bids to be received by October 9, 2014 @ 12PM, opened on October 10, 2014 at 9AM and awarded on October 14, 2014 @ 7PM, made by Councilman Hall, Seconded by Councilman Joyce. All in favor, Supervisor Donnelly absent and excused. Motion carried.

Motion to authorize the payment of the election inspectors for the yearly class and today's primary prior to the October Meeting, made by Councilman Joyce, Seconded by Councilman Hall. All in favor, Supervisor Donnelly absent and excused. Motion carried.

Resolutions:

Resolution 22 of 2014 - Town of Andes Opposes Clean Water Act Regulation Proposed by the Environmental Protection Agency and Army Corps of Engineers

WHEREAS, the Town of Andes affirms its commitment to environmental stewardship and the protection of our natural resources, and recognizes the need to harmonize municipal programs and services with the legislative intent and objectives of the Clean Water Act (CWA); and

WHEREAS, the CWA was not intended to protect ditches and other channels through which water flows intermittently nor was it intended to capture seeps, wet areas, isolated man-made ponds and other structures not currently subject to the CWA; and

WHEREAS, the Environmental Protection and Agency (EPA) and the United States Corps of Engineers (Corps) have developed a proposed regulation on *Definition of "Waters of the United States" Under the Clean Water Act* to clarify the EPA and Corps' understanding and definition of the CWA that will inform all of EPA's regulatory programs and policy actions; and

WHEREAS, this proposed regulation creates greater uncertainty rather than clarity and would now capture a significant number of public works activities and transportation infrastructure that will now be subject to the CWA and its costly and time-consuming permitting and regulatory protocols; and

WHEREAS, the proposed regulation greatly expands the number of projects subject to jurisdictional determination or CWA permitting which do not currently require such oversight at great expense to the taxpayers of the Town of Andes with little, if any, substantive environmental benefit while diverting scarce resources from other programs that do provide environmental protection and conservation benefits; and

WHEREAS, the financial impact of the proposed regulation to the Town of Andes will create significant ongoing maintenance costs and delays to the Town of Andes citizens due to the need for jurisdictional determinations and expanded jurisdictional authority of EPA and the Corp; and

WHEREAS, the Town of Andes believes that the standards for making jurisdictional determinations under the CWA and clarification or definition of the intent of the CWA should be accomplished only through the U.S. Congress, and limited by the decisions of the U.S. Supreme Court;

NOW, THEREFORE, BE IT RESOLVED THAT the Town of Andes urges EPA and the Corps to withdraw the proposed CWA regulation immediately, work collaboratively with states and local governments to clarify federal jurisdiction under the CWA that is reasonable, environmentally responsible and respects the authority of state and local governments in ensuring the protection of our water resources and;

BE IT FURTHER RESOLVED, that the Town of Andes supports any federal legislation consistent with the above recommendations and urges its Congressional and State representatives to intercede with EPA and request that EPA report to them on their response and adaptations regarding the aforementioned concerns; and

BE IT FURTHER RESOLVED that a copy of this Resolution, suitably engrossed, should be transmitted to U.S. Senators Charles Schumer and Kirsten Gillibrand, U.S. House Representative Chris Gibson , EPA Administrator Gina McCarthy, New York Governor Andrew Cuomo, New York State Senator James Seward, New York Assembly Representative Claudia Tenney, and EPA Region 2 Administrator Judith Enck.

Proposed By: Councilman Hall
Seconded By: Councilman Joyce

Roll Call:
Councilman Joyce-----Aye
Councilman Hall-----Aye
Councilman Cole-----Aye
Councilman Gladstone-----Aye
Supervisor Donnelly-----Absent and Excused

Resolution 22 of 2014- Budget Amendment

Be it resolved to amend the budget, to add \$143,743.42 to DA5112.2 CHIPS budget line contingent upon receiving our first CHIPS reimbursement check on September 15th.

Proposed By: Councilman Hall
Seconded By: Councilman Cole

Roll Call:
Councilman Joyce-----Aye
Councilman Hall-----Aye
Councilman Cole-----Aye
Councilman Gladstone-----Aye
Supervisor Donnelly-----Absent and Excused

Approval of Bills:

Motion to approve August General Warrants #252-281 totaling \$21,011.84

August Highway Warrants #144-132 totaling \$145,820.50

August WWTP Warrants #98-118 totaling \$32,289.44

August Water Warrants #64-74 totaling \$2,896.99

August Shavertown Warrant #6 totaling \$400.00

September General Warrants #282-306 totaling \$26,037.39

September Highway Warrants #133-154 totaling \$41,897.52

September WWTP Warrants #119-128 totaling \$28,293.10

September Water Warrants #75-82 totaling \$7,251.53, made by Councilman Joyce,

Seconded by Councilman Hall. All in favor, Supervisor Donnelly absent and excused. Motion carried.

Districts:

Water-

Motion to authorize Supervisor Donnelly to sign the 2015-2019 operations contract with Delaware Operations, made by Councilman Hall, Seconded by Councilman Joyce. All in favor, Supervisor Donnelly absent and excused. Motion carried.

Motion to approve the request to purchase a UV lamp and two UV sensors from Dubben Brothers at a cost of \$780.00, made by Councilman Joyce, Seconded by Councilman Hall. All in favor, Supervisor Donnelly absent and excused. Motion carried.

Motion to approve the request to purchase a spare pump for the Gladstone Hollow water system from Fleet Pump and Service Group, Inc. at a cost of \$7022.00. The current pumps were installed in 2001, made by Councilman Hall, Seconded by Councilman Joyce. All in favor, Supervisor Donnelly absent and excused. Motion carried.

Sewer-

Motion to approve the request for Turnkey Control Solutions to install the surge protection equipment at a cost of \$4500.00, made by Councilman Hall, Seconded by Councilman Joyce. All in favor, Supervisor Donnelly absent and excused. Motion carried.

Motion to approve the purchase of 3 packs of UV lamp sleeves from Koester at a cost of \$615.00 plus shipping, made by Councilman Joyce, Seconded by Councilman Hall. All in favor, Supervisor Donnelly absent and excused. Motion carried.

Adjourn:

Motion to adjourn the meeting made by Councilman Hall, Seconded by Councilman Joyce. All in favor, Supervisor Donnelly absent and excused. 8:55PM

DELAWARE OPERATIONS, INC.

8-12 Dietz Street, Suite 303, Oneonta NY 13820 • Phone 607-432-8073 • FAX 607-432-0432

**TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY DELAWARE OPERATIONS
August 12, 2014**

1. Water System

- Daily usage of treated water from the water system averaged 27,493 gallons per day for the month of July 2014.

2. Plant Purchases

- Delaware Operations requests the approval to purchase a spare pump for the Gladstone Hollow water system from Fleet Pump and Service Group, Inc. at a cost \$7,022.00. The current pumps were installed in 2001.

3. O&M

4. Equipment

5. Distribution System

Quotation from: FLEET PUMP and SERVICE GROUP, INC.

An affiliate of G.A. Fleet Associates, Inc.

Date: 1-Aug-2014
QUOTE Number: 080114LG3



LISANDRO GENAO - PARTS SALES
455 KNOLLWOOD ROAD
WHITE PLAINS, NY 10603
Tel. 914-835-3801 x114

TO: Town of Andes Sewer District

Fax 914-835-2946
lgenao@fleetpump.com
www.gafleet.com

ATTN: Shane Boise

TEL: 845-676-3990

MFR. Syncroflo

FAX: 845-676-3732

MODEL 2DD53

Email:

SERIAL #

We are pleased to submit the following bid for materials:

PROD.# 210245

<u>TERMS</u>	<u>EARLIEST SHIP</u>	<u>FOB</u>	<u>SHIP VIA</u>	<u>PARTS PERSON</u>	
Net 30	4 - 5 Weeks ARO	Georgia	Best	LG	
<u>ITEM</u>	<u>QTY</u>	<u>DESCRIPTION</u>	<u>UNIT</u>	<u>PRICE EACH</u>	<u>EXTENDED PRICE</u>
1	1	2D; 5HP Pump/Motor Assembly trimmed to 5.8" per P/N 210245	ea	7,022.00	7,022.00

Delivered Pricing----->

Subtotal 7,022.00

Fed. Tax ID 13-2814887

%

Tax

TAX EXEMPTION CERTIFICATES MUST BE ON FILE. QUOTE IS VALID FOR 21 DAYS

Total

#VALUE!

WHEN EQUIPMENT HAS BEEN RELEASED AND READY TO SHIP FROM THE FACTORY IT IS THE CUSTOMERS RESPONSIBILITY TO ACCEPT DELIVERY. THE MANUFACTURER OR THE FLEET COMPANIES WILL NOT HOLD EQUIPMENT.

Please forward a Purchase Order or Authorization on your Letter head, if you wish to proceed with the above proposal.

DELAWARE OPERATIONS, INC.

8-12 Dietz Street, Suite 303, Oneonta NY 13820 • Phone 607-432-8073 • FAX 607-432-0432

**TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY DELAWARE OPERATIONS
September 9, 2014**

1. Water System

- Daily usage of treated water from the water system averaged 27,559 gallons per day for the month of August 2014.

2. Plant Purchases

- Delaware Operations requests the approval to purchase a UV lamp and two UV sensors from Dubben Brothers at a cost of \$780.00

3. O&M

4. Equipment

- On August 14th we replaced UV lamp and sensor #1 due to low intensity.

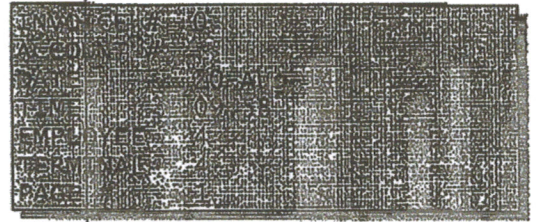
5. Distribution System

6. On August 29th a Water Use Restriction was issued until further notice due to the dry weather. All unnecessary water use is prohibited.

QUOTE

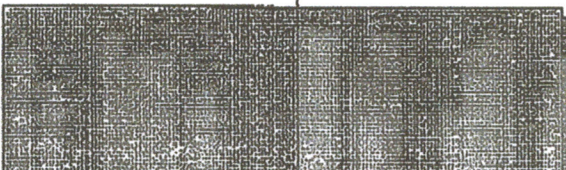
Dubben Brothers

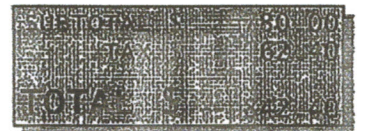
90 Main St.
Delhi, NY 13753
607-746-2229



Item	Description	Quantity	Unit Price	Discount	Total
BES37RL-AM	Sterilite Lamp Replacement	1.00	250.00	None	250.00
	<i>sterilite uv sensor</i>	<i>2.00</i>	<i>265.00</i>		<i>530.00</i>

I AGREE TO PAY THE ABOVE TOTAL ACCORDING TO THE POSTED TERMS AND CONDITIONS


SIGNATURE Authorized Signer



We're your source for
seasonal supplies and
all your hardware needs.

Notice

August 29, 2014.

The Town of Andes Water District is under a WATER USE RESTRICTION due to the dry weather. All unnecessary water use is prohibited until further notice.

DELAWARE OPERATIONS, INC.

8-12 Dietz Street, Suite 303, Oneonta NY 13820 • Phone 607-432-8073 • FAX 607-432-0432

**TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY DELAWARE OPERATIONS
August 12, 2014**

1. WWTP Plant

- Plant effluent flows averaged 21,777 gallons per day for the month July 2014.

2. SPDES Compliance/NYSDEC, NYCDEP

- The plant discharges of treated effluent to the Tremper Kill Brook; permit compliance for July 2014 met all parameters.

3. Collection System

- High Street is being maintained as required.

4. Plant Purchases.

5. Plant O&M

- Delaware Operations requests the approval to purchase 3 packs of UV lamp sleeves from Koester at a cost of \$615.00 plus shipping.

6. Plant Equipment.

7. Gladstone Hollow Septic System



K O E S T E R

QUOTATION
July 17, 2014

To: Shane Boice
Andes WWTP

E-mail: andeswste@catskill.net

We are pleased to offer the following quotation:

302208-004 Lamp 4 pack

-
- Total Price: **\$205 ea.** plus shipping
 - Shipment **SEE ABOVE** weeks after receipt of order & dependant on factory.
 - Standard Terms and Conditions, on the attached page, are incorporated in this quotation. Except for shipping charges, which may be subject to change at date of shipment, prices quoted shall remain firm 60 days. Payment is due net 30 days after shipment.

Accepted on (Insert Date): _____

Purchaser: _____

Address: _____

Accepted by KAI on date: _____

Prepared by:

Robin Griff

robin@koesterassociates.com

Supplying Equipment, Solutions and Service for Water and Wastewater

3101 Seneca Turnpike • Canastota • NY • 13032

Phone 315.697.3800 • Fax 315.697.3888 • koesterassociates.com

sales@koesterassociates.com • service@koesterassociates.com • parts@koesterassociates.com

DELAWARE OPERATIONS, INC.

8-12 Dietz Street, Suite 303, Oneonta NY 13820 • Phone 607-432-8073 • FAX 607-432-0432

**TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY DELAWARE OPERATIONS
September 9, 2014**

1. WWTP Plant

- Plant effluent flows averaged 24,158 gallons per day for the month August 2014.

2. SPDES Compliance/NYSDEC, NYCDEP

- The plant discharges of treated effluent to the Tremper Kill Brook; permit compliance for August 2014 met all parameters.

3. Collection System

- High Street is being maintained as required.

4. Plant Purchases.

5. Plant O&M

- Delaware Operations requests the approval for Turnkey Control Solutions to install the surge protection equipment at a cost of \$4,500.00

6. Plant Equipment.

7. Gladstone Hollow Septic System

Turnkey Control Solutions, Inc

101-109 East Main Street

Endicott, New York 13760

USA

(v) 607 785 8164 (f) 607 785 8165



August 18, 2014

Andes Water/Wastewater

Shane Boice

Tremper Kill Road

Andes NY, 13731

Re: Services Quotation Ref: QFM43-014-298

Dear Mr. Boice:

As per your request, Turnkey Control Solutions Inc. ® is happy to provide this proposal for you review and approval.

Installation of StediWatt Surge Protection to include the following:
Breakers, Mounting Hardware, & Labor

Total Cost: \$ 4,500.00

Please note shipping is included and taxes are not included. If this should become an order in the future and you are tax exempt, TCSI will require a tax-exempt certificate.

Please take your time in reviewing these items. If you have any questions or concerns, please feel free to contact me directly at any time. It has been a pleasure to provide you this quote and I look forward to hearing from you in the future.

Sincerely,

Greg Williams

Sales Engineer

Turnkey Control Solutions, Inc.

607-785-8164

Clean Water Act Proposed Regulation April 2014



New York Farm Bureau • 159 Wolf Rd., PO Box 5330, Albany, NY 12205 • 1-800-342-4143 • <http://www.nyfb.org>

CLEAN WATER ACT EXPANSION

EPA and the Army Corp of Engineers has issued a proposed rule that will define the scope of waters protected under the Clean Water Act. Although EPA has said these rule don't change federal authority, Farm Bureau has carefully looked at the regulation and believe they in fact greatly broaden the jurisdiction of the Clean Water Act by expanding the definition of the "waters of the U.S." and this will significantly impact farming in New York.

- **Being good stewards of water and land is important to farmers** in protecting the land for today and for future generations. But overreaching federal regulation like this will hurt our economy and our ability to produce food in the state.
- **We are concerned this change would expand EPA jurisdiction to nearly every body of water on a farm**, even temporary wet spots or ditches that carry water only during rain events. By regulating these small and remote "waters," many of which are not even "waters" under a common understanding of that word, EPA is vastly expanding its regulation of land.
- **Because of this proposed rule, farmers and other landowners across the country will face a huge new roadblock to ordinary land-use activities.** By increasing federal jurisdiction over lands (by calling them "navigable waters") the rule would establish federal power to regulate farming and other land uses.
 - As a result, if ditches and seasonal water flows on and around a farm are deemed "navigable" and therefore a "water of the US," many routine farming activities (such as building a fence and weed and insect control) will be considered a "discharge" and require a permit.
 - EPA will have ultimate control over whether a permit is issues and be able to therefore restrict a farmer's ability to farm. This will also make many farm activities vulnerable to lawsuits by special interests that could threaten penalties of \$37,500 per "discharge" into the so-called "navigable waters."
- **EPA claims that farmers are exempt, but this isn't accurate.**
 - EPA is reiterated exemptions that already exist under current law and are extremely narrow.
 - The agricultural exemptions are only for "dredge and fill" permits (Section 404) and do not provide permitting protections to farmers for normal activities like weed control and fertilizer application.
 - In fact, EPA is narrowing the ag exemptions by requiring that the 56 exempt conservation practices meet federal NRCS standards in order to maintain that exemption. Until now these practices have been voluntary unless the farmer is receiving federal funds or participating in an NRCS program.
 - In addition, these exemptions only apply to long-standing operations, not newer or expanded farms.
 - Furthermore, these conservation practices have been exempted in a form of guidance from the agency. These could be changed at any time to further narrow or remove these exemptions, without warning or opportunity for public comment.
- **This regulation will even impact municipalities** by potentially requiring expensive and timely CWA permits for routine ditch, stream and culvert maintenance. One Upstate New York county's highway department estimated this change would cost \$750,000 to \$1 million annually to comply with.
- **This regulation will make it hard to farm, build homes and businesses or make other changes to the land** in many areas, stunting our economy and severely restricting land use.

ACTION: Ask EPA to withdraw its proposed rule and oppose any further efforts either by legislation or regulatory action to expand the scope of the Clean Water Act beyond Congressional intent and as limited in the U.S. Supreme Court cases *SWANCC* and *Rapanos*.

Farm Bureau Accuses EPA of Power Grab

By Lillian Browne

SOUTH KORTRIGHT

Delaware County Farm Bureau President Duane Martin says expansion of the Clean Water Act proposed by the Environmental Protection Agency (EPA) is nothing more than a "power grab." The EPA and the Army Corps. of Engineers jointly announced on March 25 that they plan to "clarify" the Act, which provides protection for streams and wetlands. The proposed action has been undertaken to address agricultural and environmental requests together with those of state and local officials.

The EPA takes the position, according to its website (www2.epa.gov/uswaters) that the clarification is to provide protection for upstream waters that are vital to downstream communities.

Martin says the proposal is simply adding an additional layer of bureaucracy to a complex set of regulations that are already in place by the New York State Department of Environmental Conservation (DEC) and the New York City Department of Environmental Protection Agency (DEP).

"This is economic genocide. It is making it that much harder for people to earn a living or start or grow a business," Martin said. "It's even going to make it hard for a local municipality to function."

Martin said that the new regulations include standing water in the definition of "navigable waterway," allowing the EPA vastly expanded regulatory control.

Martin said the proposal will now expand the definition of wetland to include things like ditches, culverts and even potholes, where standing water can collect after a rain or snow melt. "The Farm Bureau is asking the county board of supervisors and local municipalities to pass resolutions against these measures," he said.

The impact to farmers will be far reaching. Martin said he is concerned that the changes would allow the EPA to have jurisdiction over nearly every body

of water on a farm. Planted fields that have standing water in the early spring or after a rain event, can be classified as wetlands under the proposal, he said.

As a result of the potential reclassification of standing water to be deemed a "water of the United States" under the Act, many routine farming activities such as fence building or weed control, would be considered a discharge and require a permit.

"We would have ownership and the pleasure of paying taxes, but not be able to utilize our properties," Martin claimed.

Though the EPA states on their website that farmers would be exempt from the regulation, Martin said that is not true. The agricultural exemptions that currently exist are only for dredging and filling, and therefore, Martin said, the EPA would require permits for things like fence building and weed control. The permitted exemptions do not apply to new or expanding farms.

The New York State Farm Bureau, according to Martin, takes the same position as Delaware County in opposing the proposal.

Delaware County Department of Public Works Commissioner Wayne Reynolds, agrees that if the EPA is able to expand "their realm of jurisdiction," that it will adversely impact the way the county cleans and maintains ditches and does stream work. Reynolds said that his department must apply for permits for any any type of proposed stream

work. If a permitting process is implemented for proposed work for any surface water, he said, it will create a tremendous amount of additional paperwork for his staff.

Rick Weidenbach, executive director of Delaware County Soil and Water Conservation District, said that he has not been made aware of any proposal for changes to the Act. However, he said, "I would not hesitate to accept the farm bureau's interpretation of it." Weidenbach said that his experience has been that the farm bureau has traditionally taken a "very scientific and holistic approach" to looking at changes that would affect both people and agriculture.

The Office of the Federal Register, which serves as the record keeper of approved acts of the U.S. government, will take comments from the public for 90 days. To review the proposal in its entirety, and to make a comment, visit www2.epa.gov/uswaters, and click on "To Submit a Comment."

Comments may also be submitted via email to ow-docket@epa.gov. Include EPA-HQ-OW-2011-0880 in the subject line of the message. To submit comments via regular mail, send and original and three copies to: Water Docket, Environmental Protection Agency, Mail Code 2822T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, Attention: Docket ID No. EPA-HQ-OW-2011-0880.



Submitted photo

ha Palmatier, Louis Crim, among the presenters at a Christopher Cerosaletti,

ompete

ior Illustrated Talks — Davis, green.
ior Demonstrations — Madugno, red.
ior Demonstrations — Dennis, gold.
or Recitation — Christo-rosaletti, blue.
il Dennis will represent re County at the New late Public Presentation Cornell University in Saturday, May 17.

garetville

nt. Community resource lude diabetes and vascular ducation, wound and foot prevention, chair massage r exercises. Visitors should dication lists and ques-peak with a pharmacist. l be free refreshments and e to enter raffles and win es.
retville Hospital is located tate Route 28, Margaret-additional information fair, call 845-586-2631,

Cowen Law Firm

Brett Cowen, Esq.	Sarah Cowen, Esq.	Carly Walas, Esq.
Dan O'Leary, Esq.	Alyssa Congdon, Esq.	Sean Becker, Esq.
	Francis W. Wood, Esq.	
	of Counsel	

REAL ESTATE • FAMILY LAW • CRIMINAL DEFENSE
WILLS • TRUSTS • ESTATES
ENVIRONMENTAL LAW • PERSONAL INJURY

SIDNEY 1 Pearl St., Sidney 607-563-8529	WALTON 28 Townsend St., Walton 607-865-7244
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**FROM GENERATION TO GENERATION,
A FAMILY BUSINESS FOR OVER 47 YEARS**

Maryland poultry growers triumph in court

A federal judge in Baltimore, Md., late last month ruled in favor of a fourth-generation Maryland farm family accused by the New York-based Waterkeeper Alliance of violating the Clean Water Act.

The "federal court ruling that the Waterkeeper Alliance failed to prove that chicken houses owned by Alan and Kristin Hudson on the Eastern Shore of Maryland violated the Clean Water Act by polluting the Pocomoke River is welcome news," said American Farm Bureau Federation President Bob Stallman in a statement. "America's farmers and ranchers are committed to producing safe and nutritious food. We work to protect and enhance the environment, while responsibly caring for our animals, the public and our neighbors."

The Hudsons took over the family farm from Alan's dad in 1994. With just two chicken houses, the farm is small compared to the average chicken farm on Maryland's Eastern Shore. The Hudsons also raise corn, soybeans, hay and a few beef cattle.

In 2010, the Waterkeeper Alliance filed a federal lawsuit against the Hudsons accusing them and co-defendant Perdue Farms of creating a "longstanding manure pile" that discharges pollutants via "trenches" into a field ditch in violation of the Clean Water Act. The Hudson's farm, in fact, had never had a "longstanding manure pile." The Waterkeepers made this accusation because they mistakenly thought a lawfully obtained pile of biosolids, delivered to the farm from Ocean City, Md., a populous resort area, was chicken manure.

At the Waterkeeper Alliance's behest, the Maryland Department of the Environment investigated the situation, asked the Hudsons to move the biosolids pile to a different location on the farm, and concluded that "no further action is required on [the farm's]

PHOTO COURTESY OF MARYLAND FARM BUREAU



Late last year, a federal judge ruled that activist organization Waterkeeper Alliance failed to prove that Alan and Kristin Hudson's farm violated the Clean Water Act. The Hudson's are a fourth-generation farm family.

part other than to spread the [biosolid pile] in the spring for the next crop growing season."

Despite this, the Waterkeepers moved ahead, amending its lawsuit to contend the Hudsons operate a "factory farm operation" and that pollutants from poultry manure have entered local waterways via the exhaust fans in the poultry houses, and through ordinary foot traffic as people enter and exit the houses in the daily care of their animals.

Senior U.S. District Court Judge William Nickerson's ruling "reinforced what the Maryland Department of the Environment concluded three years ago: that Alan and Kristin Hudson have not done anything wrong and are not guilty of violating the Clean Water Act," said Lee

Richardson, president of the Wicomico County Farm Bureau and a member of SaveFarm Families.org. "The Hudsons were unjustly accused in a witch hunt by the Assateague Coastal Trust and the Waterkeeper Alliance and their agenda against modern agriculture."

SaveFarmFamilies.org, supported by the Maryland Farm Bureau, along with the Wicomico County Farm Bureau Young Farmers & Ranchers, and a number of other organizations, was created to help the Hudsons with the more than \$100,000 in legal expenses they've amassed.

In addition to ruling that Waterkeepers failed to prove its case, Judge Nickerson took aim at the group's methods, stating, "When citizen groups take up the mantle, however, they must do so responsibly and effectively. The court finds that in this action, for whatever reason, Waterkeeper did not do that."

Stallman said he hopes similar organizations will take note of Nickerson's decision.

"This victory for the Hudson family should serve as a wake-up call for activist groups that our nation's courts should not be used for unsubstantiated attacks on hard-working farm and ranch families," he said. The case should also put farmers and ranchers throughout the country on alert, according to Richardson.

"We are grateful that justice prevailed and common sense won the day," Richardson said. "However, we remain concerned that other farmers will suffer the same fate as the Hudsons at the hands of bullies armed with millions of celebrity fueled dollars and an attitude of taking farmers down at all costs, with or without evidence."

Nickerson has not yet ruled on whether the Hudsons and Perdue Farms will be awarded legal costs. In addition, the Waterkeeper Alliance has not said whether it will appeal the case.

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