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May 3, 2007

Mr. Robert Dorkin
24 Woodridge Street
Albany, NY 12203

Dear Mr. Dorkin:

Thank you for copying me on your recent correspondence to Messrs. Commisso and Clay. You expressed concerns about my letter dated March 23, 2007 wherein it was stated that "landfill odors are not considered to pose any risk for long term adverse health consequences." You further stated that you believe these findings are in direct contradiction with the NYS Department of Health (NYS DOH) website.

Please note that in my previous correspondence the second paragraph reads: **"Our primary concern last year was to assure that the landfill odors did not pose any potential health risk to Albany County residents. Our review of this with staff from the NYS DOH confirmed that the odors, which clearly have been offensive from time to time, are not considered to pose any risk for long term adverse health consequences."**

As a County Health Department, we have been and continue to be concerned about the frequent complaints of odors from the landfill and want to assure that concerned citizens in our community have accurate and reliable information. In our collaboration with the NYS DOH regarding odors, consideration was given to the amount of a substance a person might be exposed to (dose) and the duration of exposure to any substance related to the odor. It was determined that the odors were clearly a nuisance that occasionally affected quality of life but the dose of any substance associated with the odors and duration of exposure were not at levels that would constitute a health hazard. Your claim that there is disagreement on this because you found a landfill study done in 1998 from the NYS DOH website is erroneous. There is absolutely no contradictory position between the NYS DOH and the Albany County Health Department on this matter.

For your information, I have copied and enclosed the section of the NYS DOH website regarding the Landfill Study and also have attached information from the NYS DOH regarding this study that includes an executive summary and frequently asked questions. It is very important to note that this study evaluated cancer incidence near landfills that met strict criteria indicating that hazardous chemicals were likely moving through soil along with methane gas. This led to the potential for these materials to move beyond the boundaries of the landfills and possibly to affect residents living very close to the landfills. The study did not address landfill odors. NYS DOH staff involved with the study informed me that more than 1,000 landfills were evaluated for inclusion in the study, but only 38 met the strict criteria for possible exposure to nearby residents. The Albany Landfill was reviewed for inclusion in the study, but was not included because the assessment concluded that soil gas migration off-site was unlikely.

I also call to your attention the following information contained in this 1998 Landfill Study: **"This type of study cannot prove a direct cause and effect relationship between exposure and disease. Since the 1960's and 70's, when individuals in the study may have been exposed to landfill gases, cleanup activities and landfill closings have changed the conditions at NYS landfills. This study does not provide us with information about health risks related to living near landfills today."** That statement was true in 1998 and it is even more relevant today as greater regulatory controls have been promulgated for landfills such as the Albany City landfill in the past 10 years.

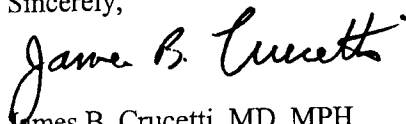
Additional information from the 1998 NYS DOH Landfill Study is as follows: **“Remedial actions have included installing systems for collecting landfill gas, capping the landfill, collection of leachate (water run off) from the landfill, intercepting and treating contaminated ground water plumes, and continued ground water monitoring and air monitoring of landfill vents.”** As you know from your participation at the information sessions conducted by the City of Albany, all of these components are part of the DEC’s permitting process and regulatory oversight of the Albany City landfill. Although I was unable to personally attend the recent meeting of engineers to discuss landfill odors, an Albany County Health Department representative was present. The City’s consultants provided new information regarding the cause of the odor problem and explained the many improvements already made and those planned. These actions hopefully will result in a significant reduction of the odor problems within a short time. We would agree with you that the occasional odors that are emitted from the landfill must be abated. However, to draw comparison between the current conditions at the Albany City landfill and the landfills that operated in the 1960’s and 1970’s is misleading.

I also wish to comment upon the information you referenced regarding hydrogen sulfide. I am enclosing the specific information you referenced from the NYS DOH regarding the hydrogen sulfide chemical information sheet. I call your attention to a chart showing the health effects from inhalation of hydrogen sulfide. As you may be aware, individuals are able to detect hydrogen sulfide at very low levels (as low as 1 - 10 parts per billion (ppb)) because of its very distinct and pungent odor. Most of the symptoms you mentioned are associated with industrial exposures at levels much greater than are seen from sanitary landfill emissions. It is important when referencing this NYS DOH website material to note the distinction between occupational exposures at the worksite and much lower ambient exposure levels from sanitary landfill gas emissions. For example, the Occupational Safety and Health Administration workplace standard for an 8-hour exposure is 10,000 ppb, which is 1,000 times greater than the NYS Ambient Air Standard. At the state ambient air standard of 10 ppb, short-term nuisance odors and irritation symptoms might be experienced by some people, but long-term health effects are not expected. The New York State landfills referred to in the information sheet were old hazardous waste sites noted to contain construction and demolition (C&D) debris. These C&D waste sites often produce much more hydrogen sulfide than regulated sanitary landfills (where C&D waste is prohibited).

I hope the information I am providing in this letter adequately demonstrates that no contradiction exists between our department and the NYS Department of Health. We concur with you regarding the importance of accurate information flowing to all involved parties in this matter and that concerned citizens and community leaders must be properly informed. We will strive to continue to do that.

I thank your involvement in this matter and welcome the opportunity to work with you and other interested parties to assure that actions to abate landfill odors are addressed in the timeliest manner possible for the near and long term.

Sincerely,



James B. Crucetti, MD, MPH
Commissioner of Health

- Enclosures:
1. “Health Department Releases Landfill Study”
 2. Fact Sheet - Investigation of Cancer Incidence Near 38 Landfills with Soil Gas Migration Conditions: NYS, 1980-1989
 3. Hydrogen Sulfide Chemical Information Sheet

cc: Honorable Jerry Jennings, Mayor, City of Albany
Willard Bruce, Commissioner of DGS, City of Albany
Dr. Gregg Recer, NYS Department of Health
Clifford Forando, AC Department of Health
Ronald Groves, AC Department of Health