



Response from Bion Environmental Technologies to:

## Recent Bion forum was ‘enlightening experience’, Karen Hall

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Attending the SUNY Oswego Bion forum was a very enlightening experience. Upon hearing about it, I immediately wondered why reservations were needed and why those with opposing views were not on the panel of a “public forum.”

Bion was invited to present at a SUNY Oswego public affairs forum. We agreed to participate as we have in the past and will continue to do in the future. Bion will take every opportunity to speak directly with the Oswego community. We were informed by the event organizers that the format was to be an hour long presentation by Bion followed by a period for questions and answers.

The answer to my questions unfolded right before our eyes Wednesday night. Bion is unable to adequately defend its “cutting-edge technology” when asked pointed questions about it.

There was no attempt to defend Bion's technology, but rather an intent to describe its proven environmental performance as well as to point out the significant number of independent, third-party scientists and regulatory agencies that have reviewed Bion's technology in great detail and have confirmed that it performs as presented. A public forum is not the appropriate venue to dive into a detailed discussion of the biological process. As it was, there were some who objected to too much technical information being provided in answer to questions that were technical in nature. The fact that Ms. Hall was not persuaded does not change the fact that the waste treatment process works and has been vetted by numerous, independent professionals.

It was brought to light that Bion has absolutely no interest in protecting our communities. Mr. Bassani informed the audience that Bion is a development company. It was clearly evident that Bion would assume no responsibility if anything goes wrong with its “state-of-the-art” processing facility and animal factories even though they have never tested their technology on a project of this size.

Ms. Hall's conclusions do not reflect either the actual conversation or the reality of Bion's dedication to meeting reasonable community standards as they have been applied to all other economic activities. A community's concern for risk to its environment is totally appropriate and requires a full and detailed response. For this reason, New York State has developed a

process to address the concern for public impacts from a proposed project: the State Environmental Quality Review (SEQR). SEQR provides an opportunity for all stakeholders to participate in a transparent, public review of all substantive concerns. It also establishes the regulatory authority for agencies to set permit requirements, monitoring and oversight protocols and enforcement procedures. This is the process that has been successfully used for three nuclear power plants, a 100 million gallon per year ethanol production facility and a host of other large and small projects in the immediate region. Surely SEQR is up to the task of addressing the concerns of a cattle project that employs a proven waste treatment technology.

They have no plans to bond the project, so farmers and citizens would be left holding the bag for any inevitable disaster; which is what happened in Meade, Nebraska. Let's learn from their tragic lesson and make sure that is not what happens here.

To begin with, there will be no "holding the bag" (Ms. Hall's judgment laden phrase). Rather, all reasonable conditions and protections can effectively be incorporated into the SEQR review and subsequent permit requirements. Did the community ask for and receive bonding protection from any of the three nuclear power plants that are now successfully contributing to the regional economy? Was there a requirement for a bond placed on the ethanol facility in Volney, now re-opened by Sunoco and providing a robust market for area corn growers? Have there been bonding requirements for other industrial activities in the region? Have any agricultural activities that have moved forward with no modern environmental treatment technologies been required to post bonds? Did the fact that none of these entities come forward with a bond mean that they were not interested in providing appropriate safeguards against environmental risk as Ms. Hall charges Bion? Again, addressing the perception of risk is an appropriate obligation for any project developer and Bion will address each specific substantive risk through the appropriate venues. The mechanism for doing so is well established in law, in experience and in reality --and that mechanism is not bonding, it is the SEQR process.

The particular example of environmental risk from livestock operations raised by Nancy Weber, President of the County Farm Bureau, at the forum was a serious spill from a dairy manure lagoon in upstate New York. Actually Ms. Weber had chosen an excellent example of why the known risks from existing livestock operations simply cannot be applied to the livestock facilities to be designed, constructed and operated using Bion's waste treatment technology. And there are several points to be made based on Ms. Weber's example:

- 1) First, while spills from dairy manure lagoons are relatively rare, they do occur and when they do, they have significant environmental consequences. However, when they do occur, it is usually because there has been a failure to conduct appropriate monitoring and preventative maintenance on dykes and berms. We certainly cannot speak to the

specifics of the spill that Ms. Weber held up as an example, but we can assure the community that with the onsite professional staffing required to operate Bion's facilities, there will be robust preventative maintenance protocols followed to ensure that these kinds of preventable events do not occur.

- 2) But of much greater significance, Ms. Weber either did not hear or chose to ignore a critical point that was clearly repeated earlier in Bion's presentation at the public events forum. While traditional dairies store untreated manure in lagoons awaiting application to farm fields for crop production, **Bion facilities will have no manure storage**. Instead, the manure will be immediately treated in Bion's waste management system. The holding cells will not contain manure, but rather, will contain the final effluent from the treatment system after additional polishing through constructed wetlands. Bion keeps making this point, but it does not seem to register with avowed project opponents. As was shared at the forum, the quality of that stored effluent will meet permit requirements determined through the SEQR process consistent with site characteristics and its intended use.

In the meantime, we do agree with Ms. Hall that everyone should learn from the E3 Biofuels Project that failed in Mead, NE. Unfortunately, Ms. Hall and others have missed the real lesson in that project's failure. In fact Bion was quite familiar with the project having met with a number of its principals and participants during both project development and after construction was completed. We would respectfully request that if Ms. Hall or others wish to continue using the E3 Biofuels project as an example to learn from, they should study the specifics of the problems that arose at those facilities and then provide us with specific items that could be addressed based in fact rather than simply engage in inflammatory language such as "holding the bag" and "disaster"!

Oswego County has no Concentrated Animal Feeding Operations (CAFOs) for a very good reason. Small farms thrive in Oswego County, not massive ones. The largest dairy farm has 170 cows. The Bion plan calls for five pods of 14,400 cows on 50 to 60 acres of land.---

Once again there is a refusal to recognize the difference between the risk for environmental impact from treated and untreated waste. This is like multiplying the risk profile from an outhouse by 100,000 to arrive at a projection of risk from a municipal waste treatment plant serving that many people. The issue of risk is not a direct reflection of the number of head, but rather requires a willingness to look a bit deeper to understand the real impacts from implementing a waste treatment system with animals as with humans.

Politicians need to look at passing legislation NOW to protect our communities and ensure that family farms continue to succeed here.

Simply put, Ms. Hall's assumption that the advent of large, agriculturally related activities in Oswego County means the demise of small farms is not supported by reality. Actually quite the opposite is true. Were the small regional corn producers better off when the Volney ethanol plant was shut down? That facility is very much like Bion's cattle facilities in that both create robust, long-term markets into which area producers can sell. If you were to poll the small farms now selling corn to the Sunoco ethanol plant, we suspect that you would find producers happy with the opportunity to improve their net family farm income.

It is imperative that the Town Board of Schroepfel does the right thing and rescind the resolution it passed Dec. 10, 2009.

Actually the position of the Town of Schroepfel is simply that they would be interested in having the project move forward as long as it can successfully address environmental and community issues through the SEQR and other regulatory processes. Clearly that is not a high enough standard for some, but for many, that position is in the larger interest of the community and therefore "the right thing" to do. We leave sorting out those questions to the community.

There are far too many unanswered questions to allow this project to proceed and Bion is not providing us with any answers.

When someone calls for a process to be shut down because there are a lot of questions, it almost always means that they are not interested in the answers --that no answer could possibly alter their opposition. For those, on the other hand, who would be interested in the economic opportunities and benefits if the project is able to satisfy high community standards, Bion has provided a gold standard in response --it will be regulated the same as any other large scale industrial activity. It will prepare and file an environmental impact report and it will be fully subject to SEQR review, oversight, regulations and penalties. If Oswego can permit nuclear power plants and large industrial activities through such a process, it should be able to use it to permit cows in a manner that will safeguard the community.

The truth is that many of the attacks on this project are not really based on environmental consequences or the implementation of safeguards. If that were true, use of existing regulatory processes would satisfy the concerns, as it has for any number of other large and small projects throughout New York. Rather, many objections are based on particular social agendas couched in environmental terminology. Bion believes that only the community can determine if these social agendas are in the greater public interest and should be adopted.

In the end, the community needs to decide --but that process needs to include full representation of a full range of community interests including both the agricultural community

and the business community (including the real estate industry, both commercial and residential, merchants, shopkeepers, auto dealers and repair facilities, supermarkets, cafes and restaurants, equipment suppliers, and more). And somewhere along the line, someone needs to stand up to represent the unemployed who could become employed directly by the project and indirectly by the \$20+ million of payroll and additional project spending that will be injected into the local economy. This is a 21<sup>st</sup> century industrial / agricultural enterprise and the question for the community and before the county leadership is what really constitutes the public interest.

Discriminatory regulation is a slippery slope with significant unintended consequences. To rely on discriminatory requirements when a proven public regulatory review process is available will inevitably produce a severe chill to new business development and a negative impact on the expansion of existing businesses. Companies seeking sites in upstate New York need to understand the requirements for development. An honest and clear answer that defines what is acceptable to the community (and what is not) can be respected by all and used by business developers in making their regional business plans.

Bion's request is simple: we ask if the community will welcome the project with its economic benefits based on successfully meeting environmental and other community standards as applied to existing regional economic activities through the full scope of SEQR and all other appropriate regulatory reviews. If not, we need to know that now.