



September 17, 2013

Mr. George Gertz  
Town Supervisor  
Town of Marilla  
S-1740 Two Rod Road  
Marilla, NY 14102

*RE: Response to Q&A from September 5, 2013 Town Board Meeting;  
Information about Buffalo BioEnergy and TRAV-CO Storage Tank*

Dear Mr. Gertz:

There were several questions raised by the community at the September 5, 2013 Town Board Meeting in Marilla. Although we have not received a formal request for information we are attempting to respond to the questions posed by the residents. The following information identifies the question and quasars' response.

1. Question: Metals in equate will spoil the land and carry to groundwater.

Response: The table below compares federal and state limits to quasar's maximum acceptable standards for both metals and micronutrients in equate. In all cases, quasar standards are significantly lower than state and federal limits. In addition to the state and federal limits, quasar also follows the federal "Clean Biosolids" metals limits<sup>1</sup> whereby our application process has no additive impact on soils as the natural nutrients being applied are consumed annually by the crops on the farm fields. The chart below compares federal and state limits to quasar's internal limits for both metal and micronutrient limits and standards:

Chemical Component	USEPA <sup>2</sup> Ceiling Limits (PPM)	NYSDEC <sup>3</sup> Ceiling Limits (PPM)	quasar Standards (PPM)	% of EPA / DEC Limits
Arsenic	75	75	20	27%
Cadmium	85	85	20	24%
Chromium	NA	1,000	500	50%
Copper	4,300	4,300	750	17%
Lead	840	840	150	18%
Mercury	57	57	5	9%
Molybdenum	75	75	28	37%
Nickel	420	420	100	24%
Selenium	100	100	50	50%
Zinc	7,500	7,500	2,000	27%

<sup>1</sup> 40 CFR 503.13 Table 3

<sup>2</sup> 40 CFR 503.13 Table 1

<sup>3</sup> NYSDEC 360-5.10 Table 4.

As part of the land application permit process, the proposed fields on which equate is to be applied is tested in order to properly develop a nutrient prescription for the soils based on the existing metals and nutrients present in the soil to match and benefit the crops being grown. The chart below summarizes the soil samples performed and analyzed by an independent third party, USGS, and the NYSDEC. As this data provides, virgin soils have metals and micronutrients as part of normal soils chemistry.

Metals (PPM)	Test America	USGS <sup>4</sup>	NYSDEC-2005 <sup>5</sup>	Max	State Limits	Max % of Limits
Arsenic	8.5	11.0	6.9	11.0	75	14.7%
Cadmium	0.7	N/A	0.4	0.7	85	0.8%
Chromium	12.3	6.9	16.0	16.0	1,000	1.6%
Copper	32.4	56.1	9.9	56.1	4,300	1.3%
Lead	23.9	36.1	55.0	55.0	840	6.5%
Molybdenum	4.9	N/A	N/A	4.9	75	6.6%
Nickel	24.5	16.6	24.5	24.5	420	5.8%
Selenium	0.8	0.5	6.5	6.5	100	6.5%
Zinc	96.6	60.0	230.0	230.0	7,500	3.1%
Mercury	0.0	0.3	0.2	0.3	57	0.5%

2. Question: Groundwater will be compromised.

Response: quasar follows the best available land application processes, which include but are not limited to, precision application techniques and the use of flow meters. quasar collects information on soil conditions and then with the guidance of the landowner’s agronomist creates a nutrient prescription that will optimize crop yield. The purpose of the prescription is to apply only what the plants will consume. quasar does not over apply nutrients. The farmer’s agronomist makes the final determination on the application rates and the equate prescription. In addition to closely monitoring application rates with industry leading technology, quasar also adheres to the following minimum setbacks when applying equate on fields.

The minimum setbacks followed by quasar by property type are as followed<sup>6</sup>:

Property Line	50 ft.
House	500 ft.
Potable Water Well	200 ft.
Surface Water and State Regulated Wetland	100 ft.
Drainage Swale	33 ft.

<sup>4</sup> USGS: Geochemical Landscapes of the Conterminous United States

<sup>5</sup> August 2005: New York State Surface Soils: A Summary Report on the Statewide Rural Surface Soil Survey

<sup>6</sup> NYDEC 360.4-6 (B) Table

3. Question: After the land is applied with equate you can't enter the land for a year or more.

Response: Public access onto private farmland must be in agreement with land owner/farmer and general public access is restricted as prudent avoidance. Farmer foot traffic is not prohibited at any time during or after application; while it is recommended to maintain good hygiene (hand washing, etc.) by individuals working with this nutrient solution as they would with any commercial fertilizer. quasar's equate is applied to either (i) feed and fiber crops or (ii) land where livestock grazes. According to agronomic site management standards, there is a 30 day<sup>7</sup> hold period on the sites prior to any harvest activity or grazing commencing.

4. Question: Spills of equate on the county roads in Marilla or a tanker spill, or tank overflows.

Response: quasar requires all trucks, owned or contracted, to maintain high standards and drivers are instructed and trained on evaluating the seals and valves on their tankers before every run. If the valves or seals are not functioning properly, the truck doesn't move until the valves or seals are right. Should a tanker be involved in an accidental spill, then prudent clean-up practices are exercised and costs associated with the clean up are covered through the company's environmental insurance policy. Unlike a similar spill of a petroleum tanker, the equate material is non-hazardous and is a much less environmentally sensitive spill to handle.

5. Question: The storage tank will overflow.

Response: The tank will be operated with 2 feet of freeboard, which ensures that no rain event will result in the tank top being breached; drivers delivering to the tank and the local operator of the tank will be responsible to ensuring that the freeboard levels are maintained.

6. Question: Leak Testing of the storage tank is conducted by the company and can't be trusted.

Response: quasar will engage with a third party environmental firm to conduct regular monitoring to ensure that the tank remains integral and sound doesn't leak.

7. Question: The Ohio EPA has issued a number of Notice of Violation (NOV's) since the company was created in 2006.

Response: quasar is managing 500,000 tons of biomass per year and is applying 100 million gallons of equate on farm fields over more than 10,000 acres and in dozens of locations, which includes 10 operating digester plants. All of the NOV's that were provided are minor in nature and the Ohio EPA considers quasar to be the strongest waste management ally in the state and regularly suggest to a variety of cities and private individuals the viability of anaerobic digestion and beneficial reuse of nutrient liquids in the state of Ohio.

In Ohio the EPA manages minor issues with a Notice of Violation. If paperwork and/or environmental issues are not addressed in a timely and complete fashion an additional

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<sup>7</sup> NYDEC 360.4-2

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secondary NOV will follow. If NOVs are not addressed over time then the State Attorney General becomes involved and Findings and Orders (F & O) are issued. Fines from F & O can be \$10,000/day. Quasar has not had any secondary NOVs or F & O or fines. NOV issues are addressed in a timely and complete fashion that is acceptable to OEPA.

8. Question: Truck traffic will ruin our country roads.

Response: quasar only operates truck units that are fully permitted to operate on the roads on which it needs to move material.

Mr. Gertz, I hope this information is helpful in your evaluation of our application. Please feel free to contact me at your convenience if you have any questions or need additional information. In addition, if you would like to visit a farm in Ohio or speak to a farmer, agronomist or the farm cooperative using our material we would be glad to setup a call or meeting.

Regards,

Bruce Bailey  
Vice President of Technical Affairs

cc: Stan Travis, TRAV-CO  
Bruno DiBella, NYSDEC