



*I'm not a*  
**GOOD  
OLD  
BOY**

**Gregory Rater  
Personal Journal**

A journey for life, liberty, and justice:  
private sector vs. government

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# Slab City Organics

8777 Kidder Road, Sherman, NY 14781  
716-761-6517 . [justgooddirt.com](http://justgooddirt.com)

January 1, 2025

Attached herein is a copy of my personal journal. It is a record of my life and experiences specifically relating to New York State and local government entities.

It is important to note the correspondence preceding the journal are my record of informing the New York State Inspector General of my negative experiences with the New York State Department of Environmental Conservation and the Inspector General's failure to respond.

All rights of my personal journal are reserved, including the right to reproduce this journal or portions thereof in any form whatsoever.

For those of you who take the time to read my journal, I thank you. While reading it, you should learn that I have always tried to do the right thing. It hasn't always been easy, but it has been interesting. Please feel free to reach out to me with your own stories because if anyone would understand, it's me.

Gregory Rater  
Slab City Organics  
Owner/Operator  
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# Slab City Organics

8777 Kidder Road, Sherman, NY 14781  
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June 16, 2023

Ms. Lucy Lang  
New York State Offices of the Inspector General  
Empire State Plaza, Agency Building 2, 16th Floor  
Albany, New York 12223

Dear Madame,

It is with great reluctance and regret that I write to you. I had hoped I could work through all issues at my local level in Chautauqua County, New York.

After exhaustive messages, phone calls, meetings, e-mails and scant visits, I find my local DEC to be flagrantly dishonest with little regard to legislative authoritative directives, and little regard to their own regulations.

For years I have fought hard to work within the confines of the law and regulations. I have been told by the DEC that my ideas for my business were not within the legal parameters for a composting business. I was shown a composting method used in the Oregon region from some article that highlighted one farmer's composting business. It was different from mine, so mine was wrong.

I am a business owner with one mission in mind: to provide the best composted soil using the safest and most efficient methods. I use a long-period anaerobic method which is time-tested and well-known in the gardening world. It is highly sought after for every level of gardening. I cannot stress how safe and effective this method is. It does not attract sea gulls. It does not attract rats, mice, skunks, or any other animal. It does not stink. I do not turn the piles of composted material which would cause all this to occur. I simply allow it to sit and cook. The DEC would not listen to why I use this method; they put up barriers at every turn and when I asked for advice, they never responded. When I took this to a higher government agency with oversight to the DEC, I was pleased the advice given to the DEC was to aid me in ensuring I followed regulations while still building my business in the method I use. There was not one person at the DEC who understood what I was doing and not one would give any aid even when directed to do so. This is flagrant disregard to an official order.

I then took it upon myself to acquire the regulations that rule the DEC. I wanted to know what their roles were and what the regulations stated. After reading these regulations, I found I am much more knowledgeable than those who work for the agency. I cannot believe these people would choose to disregard an official request if they knew their own regulations and understood the ramifications of not adhering to this official request.

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I am going on 20 years now and getting no further. I have spent tens of thousands of dollars trying to comply with the regulations. I have hired professionals who could help me interface with the DEC. To date, nothing has worked.


I am asking for an investigation into why I cannot build my business with a method I choose. I simply cannot understand why my every move is being blocked.

I have every e-mail, message, voicemail, recording of meetings, and other documentation that may aid an investigation by your office and I am attaching a journal I created to help me keep my sanity as I pursued my passion.

Please do not hesitate to contact me with any questions you may have. I am available at any time to discuss a way forward.

Thank you for any consideration you may give this issue.

Sincerely,

A handwritten signature in black ink that reads "Gregory L. Rater". The signature is written in a cursive style with a large, stylized initial 'G'.

Gregory Rater  
Owner

August 8, 2023

10,

Ms. Lucy Lang

New York State Offices of the Inspector General  
Empire State Plaza, Agency Building 2, 16th Floor  
Albany, New York 12223

Dear Madame,

Several weeks ago, I sent a request for investigation into unprofessional practices by the Department of Environmental Conservation (DEC) for the county of Chautauqua. I have not heard back from your office and wonder if there is any further information you may need from me. As I have been trying to work with the people of this office, I find the relationship is becoming more and more contentious. The DEC has put my property in Regulatory Capture, which prevents me from using my business plan and any strategic planning is being put on hold. This also makes it harder for me to provide for my family and pay my taxes. I do not falter on either. I simply cannot fathom why any State agency would hinder a hard-working business owner from growing his business and, in turn, helping the community thrive.

Any help you can give me in this matter would be greatly appreciated.

Please do not hesitate to contact me with any questions you may have. I am available at any time to discuss a way forward.

Again, thank you for any consideration you may give this issue.

Gregory Rater

Owner, Slab City Organics

  
Slab City Organics

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## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Materials Management, Region 9  
700 Delaware Avenue, Buffalo, NY 14209  
P: (716) 851-7220 | F: (716) 851-7226  
www.dec.ny.gov

August 10, 2023

Gregory Rater  
Slab City Organics  
8777 Kidder Road  
Sherman, New York 14781

Dear Gregory Rater:

Thank you for your June 16, 2023, letter to Ms. Lucy Lang, New York State Offices of the Inspector General. We agree with you that recycling food scraps, grass, leaves, yard clippings and other organic materials through composting reduces New York's dependence on landfills and combustors and helps to lower climate-altering emissions while producing valuable, nutrient-rich compost that improves soil health and water quality.

Your personal journal is quite detailed, and we enjoyed learning about your growth as both an individual and as a producer of a beneficial product. We understand you have had a long history with the Department of Environmental Conservation (DEC) starting with a solid waste management facility registration to operate a compost facility in 2008, obtaining a solid waste permit to compost a wide range of materials in 2013, and then submitting a letter to the DEC in 2016 withdrawing this permit. In July 2021, the DEC validated Slab City Organics registration application to operate as a source separated organic waste compost facility (Registration # 07P20059).

Your current registration authorizes Slab City Organics to accept a maximum of 5,000 cubic yards per year of source separated organic. As a registered composting facility, your facility must be operated in compliance with 6 NYCRR 360.19 and 6 NYCRR 361-3.2(c). As you have been previously advised, registrations are issued as ministerial actions and there are no opportunities to vary from the existing regulatory requirements. However, a permitted facility may apply for a variance from requirements outlined in the regulations. DEC will then review the variance conditions to ensure they do not negatively impact people or the environment before making a determination. This may be an option that you consider because it offers greater flexibility than a registered facility.



Gregory Rater  
August 10, 2023  
Page 2

DEC recently announced a new three-year contract with the Center for EcoTechnology (CET) to provide additional technical assistance for those interested in sustainably managing excess food and food scraps, to further reduce the amount of wasted food in New York State. This new initiative, named Rethink Food Waste NY, provides free food waste solutions for New York businesses, municipalities, organic recyclers (composting, anaerobic digestion, etc.), food relief organizations, and others. Perhaps this is something that Slab City Organics can take advantage of as assistance is available at no cost. For information about this opportunity, see website: <https://www.centerforecotechnology.org/nywasteassistance/>

I encourage you to contact the experts at CET to discuss plans to continue and grow your composting operations. If you have any questions, feel free to contact me at (716) 851-7220.

Sincerely,

**Peter** Digitally signed  
by Peter Grasso  
Date: 2023.08.10  
15:38:36 -04'00'  
**Grasso**

Peter Grasso, P.E.  
Regional Materials Management Supervisor

cc: Chad Staniszewski, P.E., Assistant Regional Director, NYSDEC Region 9  
Stan Radon, P.G., Regional Geologist, NYSDEC Region 9  
Efrat Forgette, P.E., Professional Engineer, NYSDEC Region 9  
Eric Diamond, Investigator, NYSDEC Albany  
David Spann, District Field Manager, Chautauqua County Soil & Water  
Conservation District

# Slab City Organics

8777 Kidder Road, Sherman, NY 14781

716-761-6517 . justgooddirt.com

December 18, 2023

Ms. Lucy Lang  
New York State Offices of the Inspector General  
Empire State Plaza, Agency Building 2, 16th Floor  
Albany, New York 12223

Dear Madam:

On June 16, 2023, I reached out to your office with a request for an investigation into the NYSDEC Region 9 and their abuse of power that has impeded my opportunity for business growth multiple times. In addition, I shared with you my personal journal which detailed that years-long abuse of power at the hands of the DEC. You shared my personal journal with the Region 9 DEC. I would like the journal returned to me please, it was intended to be shared with your office only.

It was my understanding that your office is supposed to investigate false and fraudulent actions. I have asked you to perform your job more than once, and yet, your office hasn't reached out to me at all. I have been ignored time and time again by anyone who I thought could help, and contacting your office was a last ditch effort to have this handled in a professional manner. I did expect for your office to do something, anything, but as of today, there has been no contact from anyone on your staff or you.

Sadly, I have lost all faith in the workings of the government of New York State. As mentioned, please return my personal journal at your earliest convenience, as it was never intended to be shared with the DEC. On page one of my journal are the words "All rights reserved, including the right to reproduce this journal of portions thereof in any form whatsoever." Sharing my personal journal violated me.

Sincerely,



Gregory Rater  
Owner





*I'm not a*  
**GOOD  
OLD  
BOY**

**Gregory Rater  
Personal Journal**

A journey for life, liberty, and justice:  
private sector vs. government

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Email: [info@justgooddirt.com](mailto:info@justgooddirt.com)



**Introductory Video:**  
*Length: 20 minutes*



Jace Raymond, Slab City Organics 2017 Employee of the Year

## Entry #1

My story starts and ends in the same place - Sherman, New York - in a place affectionately known as Slab City. Sherman is in the westernmost corner of New York closer to Erie, Pennsylvania, than Buffalo and was named after Roger Sherman, a signer of the Declaration of Independence. I was born on March 12, 1966, the second son of Lawrence "Larry" Rater and Sherril Reed Rater. My brother Michael was two years older. We lived on the Sherman Clymer Road in my dad's parents' house on a dairy farm. Locals called the area Slab City because it was once home to slab wood sawmills, and that name has stuck to this day.

Growing up in Slab City during the 1960s and 1970s made for a pretty good childhood. There were lots of kids in the neighborhood - six cousins, an only child, the school principal's children, and many others. Of course, the cousins lived on farms and had chores to do, but they still had plenty of time to play. They had a nearby cemetery in which to do gravestone etchings and play flashlight tag. The gravel pit was a great place to ride minibikes. My aunt and uncle's pool provided a lot of fun too. We sometimes rode a tricycle into the deep end and perfected our cannonballs and flips.

Most of the parents in the neighborhood had a pretty casual method of child rearing. As long as the kids followed a few rules and did their chores, we were pretty much on our own to do as we pleased. Sometimes, that meant mischief, but mostly we just had fun playing together. Half of the time, our parents didn't know where we were or what we were doing. It was a safer environment than what exists today. Our parents didn't worry, and there were only a few trips to the emergency room. We all grew up to be responsible adults who have our own businesses or professions.

A lot was going on in 1966. The Rolling Stones and Simon and Garfunkel were popular as was *The Grinch Who Stole Christmas*. *Batman* and *Star Trek* were new to television, and President Lyndon Johnson enacted national Daylight Savings Time. The average price for a nice home was less than \$20,000. This seems like a long time ago in many ways, but I remember a lot from my childhood.



Some of my earliest memories are of me in my crib, but it was the next fifteen years that really shaped who I became. My cousins and I would pick sweet corn and sell it at our grandparents' house in town during the summer. We all worked together and split the cash, which was a lot to a kid. We had minibikes and rode them through the corn fields and on an uncompleted highway (today's Interstate 86). Our minibike gang name was Diggers, and boy, we sure

had a lot of fun. Sometimes we even got chased by the police, but once Uncle Norman told Steve to quit getting caught, we just rode our minibikes into the fields. My parents were always busy working on the farm, and Uncle Norman and Aunt Janet were equally busy. They practiced what we now refer to as laissez faire parenting. Helicopter parents they weren't! None of them ever had any idea what we were doing, and that was perfectly fine with my cousins and me. We played in the hay mows and built forts, rode snowmobiles, made maple syrup, and swam. The school bus would drop us off on a hill, and my cousins and I would walk across a tree that had fallen over French Creek to get home. In many ways, it was an idyllic childhood.

In other ways, it wasn't. I wasn't what I would consider a good student. Time spent sitting at a desk was not what I wanted to be doing; therefore, I would find ways to occupy my time. I spent an entire art class tying string to cans of powdered paint so that when the next person opened the cupboard, all the paints would fall out and "poof." I would kick the door to the darkroom shut, lock in Mrs. Warren, the art teacher, and head off to lunch.

One weekend, my friends and I went into the school and played pranks on all the teachers. We piled desks to the ceiling, turned posters upside down, flipped typing tables, and generally wreaked non damaging havoc. I brought live mice to school and dead turtles, both of which caused a bit of a ruckus, but perhaps the worst thing I did as a teenager was that Todd Cole and I dumped sour milk into the front seat of a cop car on Halloween. I did get in trouble for that one after a friend was interrogated and ratted us out, so we both confessed.



My first enterprise: raising pigs



Me age 9. The neighbor kids used to say 'hear comes yahoo buckaroo'!

I always felt like an outsider, so I stuck up for the unpopular kids even though I was popular myself.

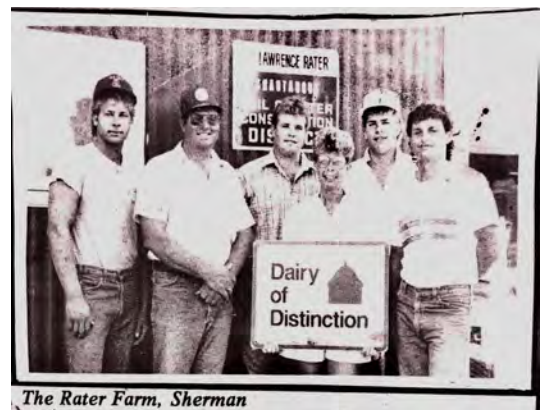
Obviously, I am no angel, but it was during these years that I learned how to work hard. This wasn't happening at school, but on our farm. When I was around six years old, I asked my dad if I could raise pigs. He agreed and helped me build a pig house. I fed them milk from our cows and scraps of all kinds of things and then sold them. I had forty-two pigs my senior year in high school and sold them for \$1.25/pound. Little did I know, but this was the start of my entrepreneurship.



### Rater Family Farm

Sherman is a small town, and it is true what they say about small towns; everybody knows everybody's business. This was certainly the case with my family. My parents were hard working people, but they were also hard spenders. When I was ten, I realized that my parents didn't always pay their bills and that others talked about them. My dad couldn't always get the feed that he needed for his cows because he owed the Farmer's Mill thousands of dollars. This wasn't always the easiest truth to live with. My dad was a politician and a good old boy in every way, and my mom was his number one cheerleader. Despite their shortcomings, they were always a team, and they did teach me the value of hard work and living debt free.

Before I was sixteen, my dad would leave a list of farm chores for me to complete. Just me, not my brother Mike or my younger brother Brian. Dad knew that I was the workhorse, and even though he would have seldom admitted it, he depended on me a lot. At first, he left me specific instructions, but eventually I



*The Rater Farm, Sherman*

**The Rater's (from left): Me, my dad Larry, brother Mike, mom Sherril, brother Brian and foreign exchange student Andrew.**

just did things my own way because I knew how to make doing a chore more efficient. Was it because I was smart? No, at least I never felt that way, but it was to shorten my time. I remember cutting a hole in the floor for sawdust because it was a lot faster. I knew how to milk, spread manure, bed calves, feed cows, and clean the barn. My dad and Uncle Norman were in a partnership together and owned a few other farms, and it was at the Hedlund farm that something happened that would change the trajectory of my life.

When I was fourteen, I went with my dad to the Hedlund farm to clean up a pile of manure and bedding that we had let sit for a couple of years. It wasn't hurting anyone, and as a general rule, my dad's and uncle's place were always very neat and clean. This pile had just been neglected, so finally my dad said we needed to clean it up. When we started to move the four year old pile, I realized that it was basically like potting soil and told my dad right then that we should be composting. Little did I know at the time, but that idea would stay with me and become my major professional focus.

One incident that has always remained crystal clear to me was when I was around sixteen. I was holding the tongue of the forage wagon, and my dad was backing up the tractor to hook up the wagon to the chopper. As I dropped the pin in the hold, my dad looked at me and asked, "Where have you been?" I told him that I had been up to the Vroman farm because that's where I thought he was going to be. His response? "I told you I was going to be here. You're so f##\*\$@&g stupid, you can't even follow directions." In my anger, I bent the shield of the wagon. The adrenaline was pumping, and my strength showed it. I pulled that heavy pin from the tongue of the wagon. My dad was looking at me, and I was looking at him about twenty feet away from me. I threw that pin as hard as I could directly at his head, not to hurt him, but to kill him. Divine intervention made me miss, and I walked home shaking and crying. I did my chores and went to the dinner table like any other night. Neither one of us mentioned it, but he knew he pushed me to my limits. I truly was glad that my dad was at the table that night, but I also knew how hard it was to control my temper. Funny thing is he knew it too.

Many might wonder why I included this story. Maybe it's because it's so vivid to me, but I'd rather like to think that it's to explain the complicated relationship I always had with my father that lasted until the day he died. I don't regret how I was raised or the family I have because all of those experiences have taught me a lot and have made me the person I am today. That's not a bad thing.

## Entry #2

During my senior year of high school, I left school at 10:30 every day to go home and work on the farm, and when I graduated, I stayed and worked on my parents' farm. My self-esteem was low from having been belittled by my dad for years. He once said, "You'll never amount to anything." Perhaps that was his way of keeping me there to help by making me think I couldn't do anything else. Consequently, I didn't pursue any other employment avenues. I worked three solid years after high school averaging seventy hours a week for \$180 a week and stock in the farm. Because my parents were not financially savvy, the bank actually owned their farm and then some, so getting "stock" in the farm was a misnomer because there wasn't any stock to be had. In that time, I rarely had two days in a row off, but that's the life of a farmer. I gave my dad thirty heads of cattle that I had raised and grown from a couple of heifers that I had taken to the Chautauqua County Fair. In exchange, he gave me thirty acres of land, land that my house is currently on. Again, because the bank basically owned the land, it took five years and a lot of tenacity to get out from under the grip that my dad had on me and that the bank had on him. Despite knowing that my parents were eventually going to go bankrupt, I never felt cheated or unappreciative. I never went to bed hungry, had a nice roof over my head, a place to work, structure, and two parents who were always a team. As an adult, I now know that this was exactly what I needed and will be forever grateful to them. Getting the thirty acres of land grounded me, finally, and, in most ways, I became the master of my own fate.

Most people don't grow up on farms, so the life of kids on a farm is quite foreign to them. By the time I was fifteen, I was driving and fixing dump trucks, trucks, tractors and I was welding. I didn't have a driver's license, but I could drive with the best of them. At eighteen, I built my own motorcycle. It's just the way it was. These skills have served me well and are probably the single most reason that I started my own business.

At twenty-two, I was still working on my parents' farms and another farm, Peterson's Gathering Place. The deed was transferred for thirty acres of land I had bartered from my dad, but part of the deal was that my brother Michael, who was now a farmer himself after purchasing a neighbor's farm in 1986, could use it for five years. Because I really didn't have the ability to use my own land, I bought my first dump truck, a 1968 International gasoline dump truck with no power steering that basically no one else wanted, with \$3,000 I had saved because I knew there was a need for hauling. I had been using my dad's dump truck



My first home

to haul things for others, gravel and sawdust, and I realized that there was money to be made. I also realized that this could become my livelihood and something for which I was well-trained. In addition to working on both farms, I was hauling gravel. I knew that I could do more if I had my own loader. Eleanor Kopta, a local farmer, had one for sale, but I didn't have the money. I told her I wanted it, but didn't have the money. She told me that she would wait until I did, and despite the fact that she was offered cash a week later, she kept her word and waited to sell it to me. Whether or not Eleanor saw something in me, I will be forever thankful that she sold me that loader. Her word meant something. Shortly after, Joe Sventek told me I was working my ass off and encouraged me to go out on my own. He sold me a dump wagon, and that is how I got into hauling feed and sawdust for farmers and gravel for anyone who needed it.

For a while, I continued to work for Peterson's Gathering Place, which in 1992 would be one of the first corporate farms in our area, but gradually I got so busy that by the age of twenty-five, I mainly was on my own working for myself. I started hauling compostable material in 1993. A lot of the hauling was still for Peterson's, but I was finally free to use my own land. I had never forgotten that manure pile behind the Hedlund Farm, and Peterson's farm had a lot of farm waste that they were not repurposing because they were using liquid manure as their main source of fertilizer. The rest was just sitting there, but I knew that I could do something with it. I started hauling away their solid waste which consisted of manure, hay, corn silage, bedding material, and they had their own loader, which made the entire process much easier for me. All I had to do was haul it away. And that is exactly what I did on my own time because I knew that this was not going to be a money maker for a very long time.

My first pile of "waste" mainly came from Peterson's Gathering Place which eventually became owned by Nickersons, another local farmer. It was a win-win for them because in exchange for taking their waste at my own expense, I let them use some of my land. Year round, I gathered this material, and my pile grew and grew and grew.

Also in 1991, I had an agreement with a company called Cold Springs. They needed to cross my land to get to some gravel for Interstate 86, so in exchange, which was always a method of business I used and still do, I used their bulldozer on the weekends. I leveled dirt and used it on my compost pile. In 2002, I traded timber to Walter Troyer Jr. for a bulldozer of my own. Meanwhile, I was still selling sawdust and hauling feed. I was slowly getting the tools I needed for the business that I knew needed to come to fruition.





1992: Breaking ground for dry building



1994: Dry building to store topsoil/compost mix

### Entry #3

In 1997, my brother Michael started renting my parents' farm. It was pretty obvious that they were in a world of financial trouble. I had known for a long time that my parents didn't always pay their bills, but they always seemed to have nice things, take vacations, and act like they had money. My uncle had sold his portion of Rater Brothers Farms many years before, and my dad had tried to make a go of it alone. He was actually a good farmer, and my mother was his partner every step of the way. They were always a team; however, neither one of them understood that bills should get paid.

Unfortunately for Michael, his own barn burned down in 1998, and he used his insurance money to rebuild his barn and build a heifer barn at his place and continued to rent from my parents. The writing was on the wall that my parents were not going to get out from under their debt, so Michael planned to buy my parents out. The bank would not lend Mike enough money to buy everything, so my dad asked me to buy two of the farms, the Hedlund farm and the Hyde farm. At the time, I was debt free and had an \$80,000 line of credit. My parents had moved to the Hedlund farm, and Michael and his family had moved into my parents' house. I began to fix up the Hyde farm into two apartments, so that I could get a return on my investment. I didn't need the house, so it made sense. Even though he had asked me to buy the farms, my dad still was skeptical that I could get the money. While I was fixing up the apartments, he said, "You may not get this farm." The only way the bank would lend me the money to buy those farms was if I had purchase agreements. What that meant was I would buy the farms, but I had to sell at least one of them in order to get financing. I had a purchase agreement on the Hedlund farm for \$30,000 for the timber, but I hadn't planned on selling. I just needed that agreement to get the loan. The transactions all took place on the same day. Michael bought my parents' farm, and I purchased the other two. Because we bought from the bank, the ones who owned all the property because my parents were bankrupt, the bank called my parents prior to the transaction and told them they had to move out of the Hedlund farmhouse because they no longer owned it. They were furious of course, and from that point on, they always blamed me in some way as to why they didn't have money. Michael had done the same thing I had done, but it was different for them where I was concerned. They moved out and into an apartment in nearby Findley Lake where my maternal grandmother had a home.

My dad showed up and demanded that I owed him money. I'm not really sure why he felt this way because I had legally purchased the farms from the bank because they owned them, but he asked me for \$50,000. He said, "You owe me." Needless to say, I didn't give him the money, and our relationship continued to be strained because of it.

With more land, land that was connected to the thirty acres I already owned, I amped up my farm waste collecting. Prior to this, I had hauled three hundred loads of

material that I had been piling on a neighbor's property. Once I got this land, I took the time to move that three hundred loads of material again to get it all in one place. In addition, I would haul during the day and after 5:00, I would continue to haul in farm waste until dark. In 2003, I sold fifteen of the one hundred-twenty acres of the Hedlund farm and purchased my second bulldozer. After this, all while continuing to haul in farm waste, I used some of that land and built a cabin. Later I sold that and bought a windrow turner. In Sherman, NY, a piece of equipment like that is hard to come by. That windrow turner only had 600 working hours on it and had sat idle in an airplane hanger in Detroit, Michigan, for years. I was lucky.

What was all this doing for me? Well, I always had a plan. I continued to sell more and more of the Hedlund farm and things I had built to sell, and I purchased a concrete truck to make concrete and pour my own concrete pad. I built a batch plant to produce concrete. From 2002 to 2008, I kept hauling farm waste to my property. I mixed it with topsoil, bedding, sawdust, silage, you name it. The piles naturally grew grass, so I would mow them. What was once a huge pile of material that no one else wanted became two very large rolling hills of green grass. And I waited.



Cabin built in 2006



Cement truck: I made my own concrete for floor of the dry building using creek gravel.

## Entry #4

Little did I know, but my life was about to change in 2008. At that time, I had twelve years worth of material that I had hauled in. I was wealthy in materials, but it still hadn't made me any wealth. Quite the contrary actually because up to that point, I used my own time and equipment to do the work, but I always had a plan. I bought a \$50,000 shredder that would have the capability to take the material I had and turn it into more refined dirt. I had decided that because of my composting business, it would make sense to also accept food scraps that were going into the landfill. I could have a smaller tipping fee because I would mix the food scraps into the organic material I was already collecting and the scraps would be delivered to me as opposed to me spending countless hours after 5:00 PM collecting the material myself. Because of that, I had been communicating with the Chautauqua County Soil and Water Board for help. My local legislator, chairman of the Soil and Water Board, and my dad's first cousin, Fred Croscut, told me I was "ahead of my time." I took that as a compliment.

Because of my interactions with the Soil and Water Board, I met Wendy SanFilippo. She called and told me about a meeting in Buffalo hosted by the New York State Department of Environmental Conservation Region 9 that had to do with food scraps and composting and invited me to go with her because she knew it was exactly what my intended plans were in regards to composting. I wasn't the only composting company there. Good Earth was in attendance, and I knew all about them. They had been accepting food scraps already, and were basically doing what I wanted to do except they were turning their piles on a regular basis. I wanted to do static composting to keep my costs down. I was a one man operation, so I really didn't have the manpower or financial backing to do what Good Earth was doing anyway.

Gary Findland from the DEC was the presenter, and his big takeaway was to keep as much food out of the landfills as possible. He asked the audience for input, and I spoke up. "My goal is to take food waste out of the landfill and charge half the current tipping fee until I get my facility paid for. My ultimate goal is to have a zero tipping fee." Everyone's response? "You can't do that," and they were laughing at me. It was the zero tipping fee idea that had them questioning me. It was unheard of, but had I been able to collect food waste that others paid to dispose of and my facility was built and paid for, I could have a zero tipping fee because at that point, all I needed was the raw material. My response? "I already am." I explained my situation, my business plan, and what I had been doing for the past decade. A gentleman googled my property on *Google Earth* and showed everyone the piles I had been amassing. Let's just say they were shocked at the size and scope of what I had done. Keep in mind that I'm almost a decade into this and farm waste was not regulated. I didn't know it at the time, but I had shot myself in the foot.

When I left that meeting, I, for the first time, felt humiliated. They laughed at me, and I thought the problem was me. Had I not represented well what I wanted to do? Did I need to work on my presentation skills? What had I done wrong? Was I inadequate and out of my league? I was disappointed because I had expected them to lift me up and get on board with what I had planned. Instead, they pushed me away and made me question myself. I needed to give them what they wanted, or at least what I thought they wanted.

One interesting thing that did come out of that meeting was my interaction with Good Earth. They actually called and offered to buy my business. They knew I had a great idea and would be competition for them. I needed to keep moving forward.



2007: Two of my compost piles ready to sell using anaerobic static composting method. Over a decade worth of work.

## Entry #5

After years of hauling in material and letting Mother Nature take her course, I knew that I was far enough ahead with the collection that I could start selling. Plus, the composting was working, and I had beautiful organic topsoil. So, in 2008, I was selling organic topsoil for \$25.00/yard, and my operation had become fully functional. Some of the material had already been moved two or three times, but I was finally starting to turn a profit, but after the Buffalo meeting, I realized that maybe I wasn't being taken seriously because I was just a guy who was composting. I thought that I needed to get my ideas on paper before others would actually listen to me. School was never easy for me, and getting my ideas on paper was difficult. Beth Reed, a Shermanite, was working for Farmnet, an organization that helped people free of charge, so in 2009, Ginny Carlberg helped me come up with a very detailed business plan that included an educational component because my long-term goal was to eventually educate students in the area about recycling and reducing our waste at the county's landfill. This plan was shared with others, and Rob Halbohm, from Soil and Water, helped format many of the maps that were included in the plan.

The DEC sent Efrat Forgette out to look over my facility for the first time. Because I was only accepting farm waste, I was exempt from a lot of the restrictions and rules, but the best way to describe her reaction to what I was doing was dumbfounded. She acted as if she really didn't understand what I was doing even though it's nothing more than what composters do in their own backyards except on a much grander scale. She said, "This is unacceptable." Of course I asked why, and she really had no reason. Her report showed that I was in compliance with everything on the paper, but she really didn't know what to say. She wasn't expecting the vastness of my piles I guess. She said that what I was doing didn't coexist with their regulations, and her job was to follow regulations. Unfortunately for me, she could not give me a concrete explanation as to why what I was doing was unacceptable. Perhaps it was the amount. Perhaps it was the fact that the material had to sit for years instead of their twenty-four months. I really didn't know, but she didn't shut me down, so I figured I was good to go.

One day as I was hauling, I noticed an unmarked truck in my field behind my compost piles. Naturally, I was curious because no one had asked to come or had asked me if it was OK to be on my property. As I got closer, I saw that it was a man, and he was taking pictures while standing on the running board of his truck. Once I was about twenty feet away, he saw me. I got to within about ten feet of him, and he came around the front of his truck, pointed his finger at me, and said, "Don't you know that you're not allowed to have 750 yards of material in this field?" As usual, I was caught off guard, not expecting a confrontation with a complete stranger on my own property telling me what I can and cannot do. I wanted to

punch his lights out, but my conscience was telling me not to do that. He kept pointing at me, so I calmly introduced myself.

“My name is Greg Rater, and I am the owner of Slab City. This is my property.” At that point, the man introduced himself as Mike Myers from the DEC. Why he hadn’t done that in the first place, I’ll never know, but he sure knew who I was. I was anxious, so I just started talking about the people I had been in contact with from the DEC like Efrat and Gary Findland. The one thing that he said that put the fear of God into me was that there are certain microorganisms that only exist in French Creek, and he would do whatever it took to protect them. He never did tell me why he was there, and it wasn’t until later that I learned he was looking at a site near French Creek for the Town of Sherman to use as a gravel pit, but I had gotten my first taste of the unprofessionalism and arrogance of the DEC. From that point on, I always referred to Mike Myers as Monster Mike. The town was allowed to do the gravel pit, and the project worked in my favor. In 2011, I was able to reclaim it and was hoping that location could be where I started my food composting business.

On August 11, 2008, I got registered in New York State and with the DEC as a solid waste management facility. This meant that I would be able to accept “waste” products from others. I always want it to be clear that I don’t really think of food scraps or manure or



Nicholas, Daisy and Duke checking out the newly constructed retainer pond to manage run off.

other compostable material as waste. It can be turned into very good material. I had to build a retainer pond to trap any sediment that might occur from my expansion. I did, and again it was at my own expense. I was trying to get ready and do anything and everything they told me to do.

Once I became a registered facility, companies reached out with interest in my business. I got an email from the Growers Co-op Grape Juice Company wondering if I could compost cardboard totes. The Jamestown Wegmans was interested in composting their organic waste.

Storer’s Container Company was interested, and they were hauling Purina dog food waste to the landfill, which would be the exact type of “waste” that would work perfectly in my compost pile. It was clear that there was a niche for my process, and others were reaching out because they too wanted to keep compostable products out of the landfill. They also knew that I would have had a smaller tipping fee than the landfill. It was a win-win, but I was hesitant because I felt that the DEC, Slab City, the Town of Sherman, and Soil and Water all needed to be on the same page before I could move forward because financially, I wasn’t in a position to get myself shut down. I always had the Buffalo meeting in the back of my

mind. The words *You can't do this* seemed to haunt me. I always tried to be on my best behavior because I knew that I needed them to move forward.



Existing dry building

In addition to continuing to haul in farm waste, my existing dry building was a crucial asset because having dry material is the biggest obstacle in Western New York. We have changing seasons, which bring a lot of wetness. Having a dry building could cut a year or two off my turnaround time. Everything that I was doing was at my own expense, but I had a business plan that showed I would be making a lot of money in ten years' time. A lot of money. In 2010, I had a structural

plan drawn up for an expanded facility. I still felt the sting of the humiliation from the meeting in Buffalo and felt that I needed to be more legitimate.

Once I got registered, the DEC became more involved because the registration gave them jurisdiction over my facility, and I had to submit an annual report. Efrat Forgette visited again in 2010. My annual report showed that I was compliant in all categories, but she and I had the same conversation. She really didn't understand what I was trying to accomplish. At this point, I was not accepting food waste, so I was exempt from a lot of their regulations, but accepting them was my ultimate goal, and she even added my idea that by 2012, Purina could dispose of their defective/unusable product at my facility.

I was hoping to generate some interest and get others involved in what I was doing, so in 2011, I invited the DEC, multiple townships, and waste companies to come to my facility. Keep in mind that *three* years prior, I was invited to a meeting about keeping food waste out of our landfills. *Three* years later, nothing had changed. The only interested parties were the waste companies. The DEC didn't respond, so I canceled the meeting due to lack of interest. Also in 2011, I had multiple conversations with Pam Yokum from Key Bank. I was hoping if they would lend me \$500,000 for a large building, one in which I could use my windrow turner, the DEC might finally understand what I was doing and give me the green light. I was always looking for legitimacy and was sure that was the obstacle standing in my way.



In early 2012, I received a letter of unanimous endorsement from Soil and Water in regards to expanding my facility. I felt that the timing was right to get the ball rolling, so a few months later, I requested a meeting with then Chautauqua County Executive Greg Edwards because no one was doing anything to keep food waste out of our landfill. Fred Croscut, was also in attendance, and he helped me make the appointment, but I honestly can't remember. This was my chance to show how seriously I had taken being more business-like. I had my business plan and structural plans and was fully operational. I was excited to finally get someone to help me, and Fred knew what my plan was. In fact, he had bought my topsoil. I pitched my plan to the County Executive, and I was really excited when he seemed interested, but then he said, "We don't want a business like this in Chautauqua County." He explained that the landfill generates revenue for the county, and that's what he needed to worry about. I wasn't asking for all the garbage. I only was hoping to get a little piece of the pie and keep food scraps out of the landfill, which is a good thing. For Greg Edwards, it was all about the dollars. Fred said nothing, even after having given me a letter of endorsement and when Edwards asked to keep my business plan.

To say I was shocked would be an understatement. I was caught off guard and was an emotional wreck. I felt sick to my stomach, had diarrhea, and had to stay in bed that afternoon. I felt defeated again even after having done everything right, and I truly believed that they were on the wrong side of this.



2011 Dump truck restoration project

## Entry #6

After my meeting with Executive Edwards, I went to a Town of Sherman board meeting, as I often did, to keep them abreast of what was happening (or wasn't happening) with my business. Then board member Jerry Russel said he knew Cathy Young, our state senator at the time, and he would call her office and try to set up a meeting. Luckily for me, it worked, and on March 8, 2012, I had a meeting with Young, her secretary Lisa VanStrom who also happened to be on the Chautauqua County Soil and Water board, Greg Edwards, congressman Andy Goodell, Fred Croscut, and Renee Press from Casella Waste because she had continued interest since the informational meeting I had planned and then canceled. I presented my business plan and read the following:

First of all, I would like to thank Cathy Young and her office for coordinating this meeting, and I would like to thank you all for coming today. When I started my business over twenty-five years ago, I bought a 1968 International dump truck at the Wattsburg Fairgrounds. It auctioned off at \$3,000, which is exactly how much cash I had on hand to purchase a truck. One of the first things I realized is that it had no power steering. Life doesn't always come with power steering. I adapted very quickly. I had the truck for six years.

I have been composting for fifteen years and didn't have any income from the composting project for the first eleven years. I called it my "after five" project. A few things I have learned from my composting experiences are:

- A. To have faith, courage, vision, and the ability to develop a strategy for success
- B. To make long-term goals
- C. To know what my limitations are based on the resources I have available to me
- D. To create a working environment that is favorable to our strategy

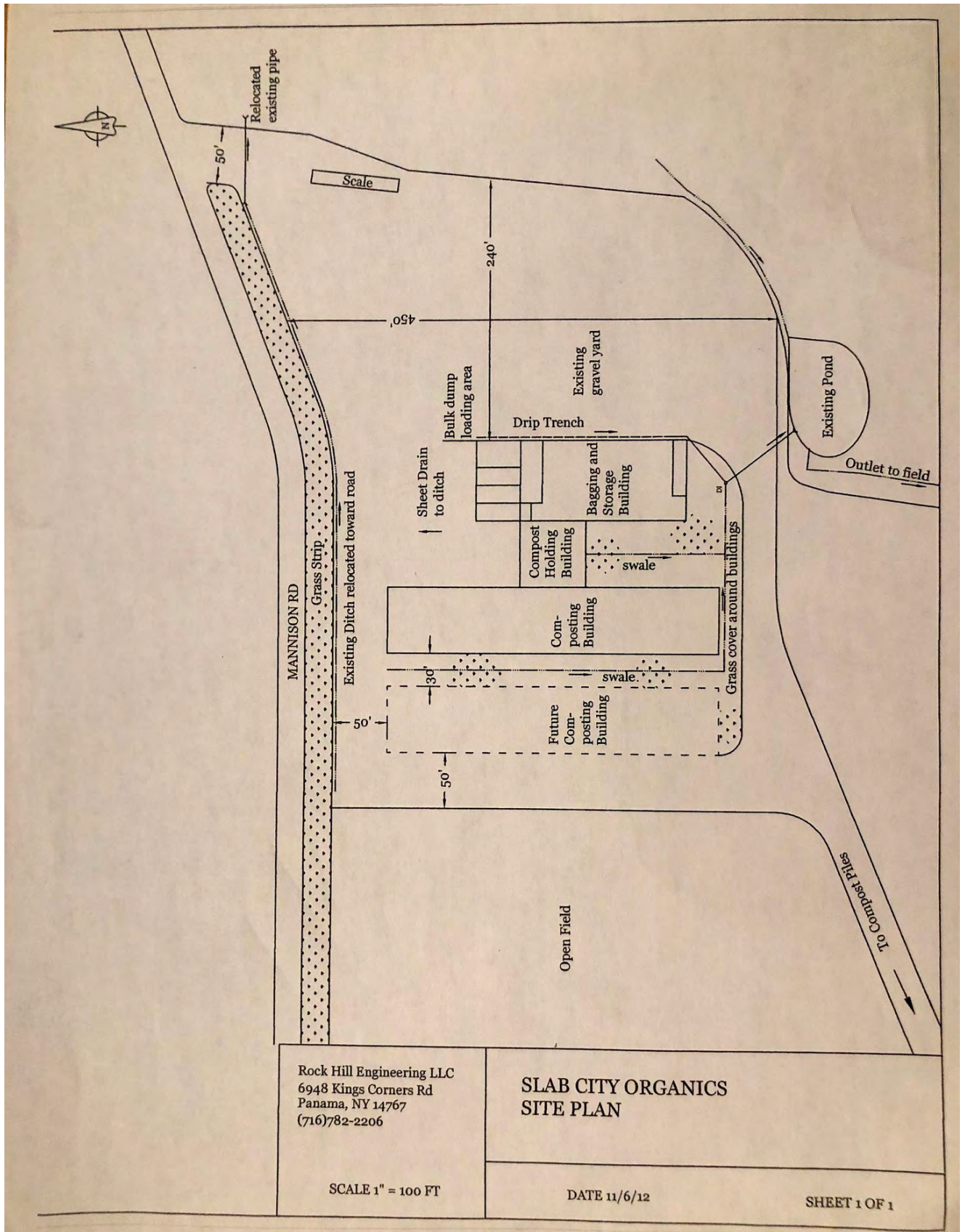
I believe that there are certain materials that should not be landfilled if there is a better alternative. I believe Slab City Organics can provide that alternative. Here are a few reasons why:

- A. Slab City Organics is not asking for any funding from taxpayers or for grants, etc.
- B. This product is a resource and will be reused to provide additional future income, allowing Slab City Organics to have a lower tipping fee for customers.
- C. It will create private sector jobs.
- D. Slab City Organics is already fully operational, selling composted topsoil mix and has many of the resources needed to expand.

At that point, I showed the map of my Slab City Organics Site Plan. One of the most interesting things during the meeting was that Greg Edwards didn't say Chautauqua County didn't want this business. He miraculously seemed to have a different attitude in front of Cathy Young than he had with just Fred and me. He said nothing. Of course, I didn't mention it because I was always trying to make sure I didn't make waves with the people whose help I needed. Goodell seemed impressed and said, "This must have taken you years." Cathy Young also seemed impressed, so I was optimistic. I wasn't asking for any money, which must have been a refreshing change of pace for politicians. My purpose of the meeting was to have her office set up a meeting between the DEC and me because I was getting nowhere on that front on my own. My feeling had always been that the sheer volume of the material I had was bothersome to the DEC, and they didn't quite know what to do with me, so they ignored me as a general rule. Again, I was reaching out, but I knew I couldn't do it on my own, and I wanted to make sure that we could all be on the same page if I were ever to accept food waste.

To my delight, the plan worked and a couple of months later, Young's office coordinated a meeting with Mark Hans, the Regional Materials Management Engineer from Region 9 of the DEC. With no explanation, Fred Croscut told me he wouldn't attend this meeting, but Cathy Young, VanStrom, Goodell, and Dave Wilson and Rob Holbrum from Chautauqua County Soil and Water were in attendance. I presented the whole plan *again*, but repeatedly stated how the allowable volume of 1,000 yards of waste I could collect was too low to make my plan feasible. With registration, I could only take in 1,000 yards a year of *source separated organics*. When I was finished, Cathy Young asked, "Any questions?" Hans asked only one - "How did you get so far?" Being dumbfounded about my business seemed to be the only reaction I was getting from the DEC. I explained that this had been my dream since I was fourteen and realized that what some considered waste was just topsoil waiting to happen. Young wanted Hans to work with me, according to her, even if that meant we needed to go outside the regulations. His response, "Yes, absolutely." Hans also said I would need to get permitted in addition to being registered so that I could accept more than the 1,000 yard limit on source separated organics.

At this point, I was excited, positive, and thought I had made progress, and I felt I had a direction and should go ahead and get permitted in order to go over the 1,000 yard limit. With my windrow turner, I could turn that amount of material in about an hour, so economically, that would never work. I needed a lot of product, a big drying building, and my equipment if my full business potential was going to be achieved. Maybe, just maybe, it was finally going to happen.



Rock Hill Engineering LLC  
 6948 Kings Corners Rd  
 Panama, NY 14767  
 (716)782-2206

**SLAB CITY ORGANICS**  
**SITE PLAN**

SCALE 1" = 100 FT

DATE 11/6/12

SHEET 1 OF 1

## Entry #7

After the meeting at Cathy Young's, I felt like I could finally move forward. I decided I needed to get my permit application, and while preparing the paperwork, I was learning a lot of terminology that I never knew before. I knew what I was doing was natural and smart and good for the environment, but I never realized the red tape and verbiage involved in composting. I actually enjoyed learning, but it was also *very* confusing, and I knew that I couldn't do this alone. Ray Miller from Eastern State Metal Roofing knew what I had planned to do because I had talked to him about putting up my building. He recommended Peter Radka, an engineer, as someone who could help me wade through the permitting process. I took Ray's advice, and I met with Peter often between March and November of that year. As we were sifting through the regs, Peter and I both realized that there's no black and white when it comes to dealing with the DEC, so Peter called them often hoping to help me understand all the gray areas. His advice to me was "Don't tell the DEC what you will or will not do."

I wanted to make sure that I was following all the rules and doing everything right, so I involved the only organization that to that point had been involved - Soil & Water. Rob Halbohm knew that I wanted to expand, so he suggested that I contact Anne Rothrock from the DEC. I asked him why, but he really didn't give me a concrete answer except that he thought I should. He, for the first time, mentioned the wetlands. It had never been brought up before, so I was blindsided. He told me that I needed to know the wetland boundaries around French Creek and a connecting tributary. That made sense, so I asked Anne for a delineation of the wetlands.

The day Anne showed up is one I'll never forget. I try to be polite and do what's right, but that has not been my experience with people from the DEC who came to my facility. When Anne got out of her vehicle, the first thing she said as she was pointing her finger at me was, "You better not be building any more dams, Mr. Rater!" This requires a little context. When I sold the Hedlund Farm to Bill Cade, he wanted to build a dam to take care of the swamp. He asked for help/guidance, but again, the red tape got in the way. Bill built the dam anyway, and I had helped him. The swamp is now a beautiful wildlife refuge with bald eagles, fish, and animals that had long abandoned the area. Apparently the DEC doesn't appreciate the improvements!



Video: Dam It



To say that I was taken aback is an understatement. I told Anne that the dam wasn't even on my property and that she needed to talk to Bill Cade, not me. That was my first introduction to Anne Rothrock. How about, "Hi. My name is Anne. Nice to meet you"? I told her that I had never built a dam on my property and had invited the DEC to my facility over a year prior. She said that the DEC has a lot of different departments, and they don't communicate with each other. I find that to be a problem.

She flagged half of my property and stopped before she got too deep in the woods because hunting season was approaching and said she would finish in the spring. She never did a soil sample, but told me wetlands can be determined by vegetation.

On November 6, 2012, I filed the paperwork to get permitted. I was hoping this would finally legitimize my business and I could move forward with accepting food waste, but I knew that I would need a variance on the cap of 1,000 yards annually. I also let Efrat know that I had filed and asked if she could expedite the application, so that the following spring, I could finally get going. I told her about the variance, and she said, "Don't worry. We'll adjust it (the volume) when we need to."

But I waited and waited. Finally, on March 1, 2013, I got an email from Efrat. I was excited! It was almost spring, and I would finally get food waste brought to my facility. In her email, she suggested that we needed to have a conference call with Sally Rowland, Section Chief of the Organics Recycling Section in Albany. She shared Sally's comments about my permit application:

I have reviewed the Slab City Organics permit application. The process, as depicted in the permit application, would not be an acceptable means to compost. However, there are "low tech" methods of composting that may be amenable to this facility and would not necessarily alter the operation significantly. Passive aerated windrows (PAW) do not require significant labor. The attached Oregon study outlines that this composting method can achieve pathogen reduction and a stable pile. If they choose PAW, we would like to see the design to follow something similar to the Oregon study (pile, recipe, pile size, pipe spacing, temperature monitoring, etc.). For a facility this size, Part 360 requires a low permeability pad with leachate collection and achievement of pathogen reduction (the Oregon study indicates that the temperatures should be achievable with proper pile design). These must be addressed in the facility design and operation.

I was confused, but Efrat included information on the PAW method of composting, so I read it. Let's just say, "Are you kidding me?!" At the top of the page, the words *Small Farm Composting* are written. Small farm? That is not what I was doing at all. Secondly, the PAW method is a "simple, low-tech option for composting that appears to be particularly well suited for small-scale operations." Did they even read my permit application? Efrat knew I had a windrow turner. The PAW method is basically putting PVC pipes into a pile and using a



Example passive aerated windrow system (PAWS) method



Windrow turner that I owned

pitchfork to turn it. I had HILLS of material AND a WINDROW TURNER! This would be like owning a semi truck and trailer and hauling products in a basket on a bicycle, only that would even be more efficient. This made no sense, so I called Rob Halbohm and explained that I couldn't possibly function like this and that they didn't understand. I was going to lose another season of revenue.

We did have a phone conversation the following week on April 11, 2013, which included Efrat, Rob Halbohm, Sally Rowland, and me. I tried to explain that the reclaimed gravel pit would be a perfect location for a new pile, and the gravel ground would serve as the low permeability pad that the DEC was requesting. As the conversation continued, Sally said that I should work for the DEC because I "know a lot." I asked why I would use the PAW method when I have a windrow turner. I asked why my method of static composting doesn't work. I asked for someone to explain exactly what the problem was. Sally didn't really have an answer to many of my questions. They were unfamiliar with my method (even though Mother Nature has been doing it for thousands of years). The only explanation that seemed to come from the DEC was they didn't like the timeframe or anticipated volume. Organic material has to be moved within twenty-four months. That simply doesn't work with static composting, especially the amount I had planned to receive. I could move it and move it and move it, but what makes my method economically feasible is the lack of manpower needed. Once it's hauled in, it simply sits there until it's dirt, just good dirt.

I explained the process that I had been using. I was doing **anaerobic composting**, which means waste decomposes without oxygen. It takes several years and happens naturally. This process needs little to no maintenance and doesn't require material to be turned because it **breaks down naturally**. In contrast to this, **aerobic composting** uses oxygen and bacteria and *replicates* natural decomposition, which means it is less natural. This would require the material to be turned, and this would also mean additional time and expense for anyone composting in this manner. My method is the most economical. I haul

in material and add topsoil to it because the worms like it, and it helps to stiffen the piles so they can grow grass, and I can mow them. Beautiful, green rolling hills. That's all I had, and after all, what I was doing coincided with the DEC's mission statement.

Sally said, "Soil is dead." What? My response to that was that there are more microorganisms in one cup of soil than all the people on the planet. I felt like I was the teacher and the "experts" were learning from me, and yet these people were the ones who had the power to decide if my business plan could move forward. It was actually pretty unbelievable. When I explained that I had a windrow turner, and the PAW method wouldn't work, they weren't really following me. I explained it like this: How would you like to have a 200 horse tractor and seven bottom plow, but someone said use oxen instead? They couldn't disagree and had no retort. What could they say? It's ludicrous.

At the end of the meeting, they were willing to help me move forward and said, "You need to work with us." Again, I was optimistic, but I had a feeling in the pit of my stomach because they seemed so uneducated about all of it: composting, business, methodology, etc.; everything I was doing seemed all new to them. They admitted that I knew more than they did, yet they are the rulemakers, so what choice did I have except to work with them and do things on their timeline? I remained professional despite the fact that I felt like they had control over me. It wasn't a comfortable feeling. To make matters worse, the day after this meeting, I got a letter from Efrat saying that they had received my permit application. I sent it in November, and we had an entire meeting and email thread about the permit application. I kind of already knew, but gee, thanks. The one thing that did stand out in Efrat's letter was the following: *You have submitted a solid waste permit application to expand operations at this site to include composting of food processing wastes, paper and small amounts (1,000 cy/year) of source separated organic waste.* This was concerning because Efrat had continually said that the waste I potentially could receive from Purina was SSO, and that is what had to be less than or equal to 1,000 yards a year with a registration, which was required to receive SSO. I was following her rules.



Photo from 8/11/13 Jamestown Post Journal article titled 'Unwanted Trash-Town of Ellery Objects to County's Proposed Landfill Expansion'.



## Entry #8

After the Sally Rowland meeting and her telling me my composting method was unacceptable, Peter worked hard to revise my permit application to their satisfaction. In fact, he was regularly contacting the DEC. Basically he told them to let me do what I was doing because it works. I just had headache after headache. The revised permit application was submitted on August 9, 2013.

In my opinion, the crux of the issue was terminology. Efrat kept saying that the waste from Purina would be considered SSO, source separated organics. This happened on multiple occasions, and I had to learn all of this because it was new to me. All I had been doing was hauling in material, adding stuff to it, and letting it sit until it became dirt. There isn't really a need for fancy terminology with what I was doing. This was getting frustrating dealing with the bureaucracy that is the DEC.

The actual definition of SSO is "the system by which waste generators segregate composted material from other waste streams at the source for separate collection." It made sense to me that Purina's waste would be SSO. They are the waste generator, they separate the compostable waste from non compostable waste, and keep it separate from the rest of their waste. SSO is what has the 1,000 yard limit. I can't really stress this enough, and the volume that I needed to be profitable would need to be more than that. I needed the permit to allow me to accept more SSO than the 1,000 yards. I was hopeful that the revised application would work out.

Anne Rothrock returned to my property to finish her delineation at the end of August 2013. She had a new map (image 13) that showed the flags she had previously done (1-9). It also included my compost pile. This was weird, but I figured she knew what she was doing. One section of the delineation was quite far from the creek, and it was marking an old ditch that had long been filled in. From an old aerial photo, that ditch looked like it was maybe part of the creek, but anyone with eyes could see that it wasn't part of the creek. She had been there the previous year and she has eyes. The ditch wasn't there, so there shouldn't have been an issue.

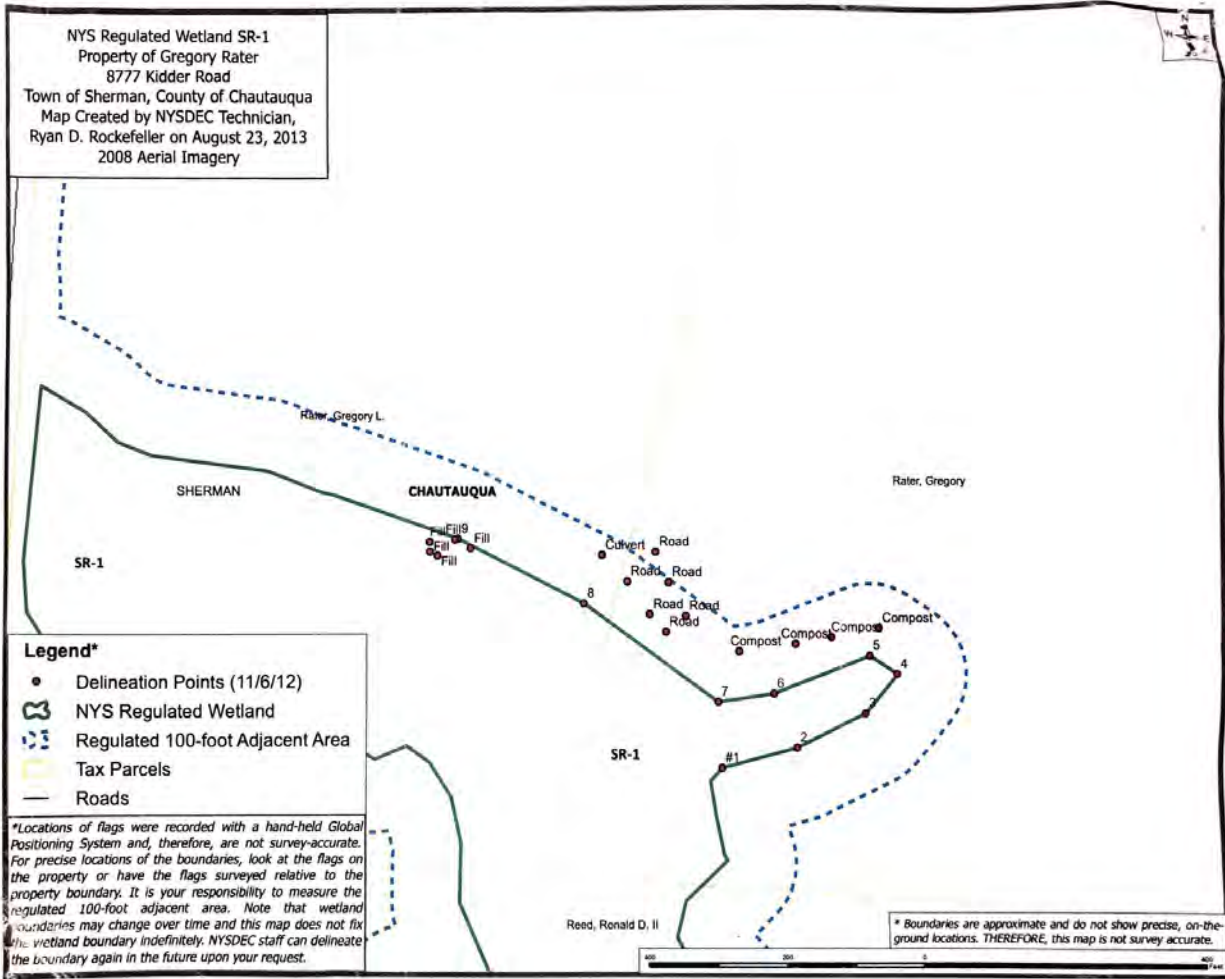
Anne asked me if I had asked the DEC for permission to put the compost pile where it was. "No, they won't come." She asked if I had gotten written permission? "No." She then proceeded to tell me that I needed permission, and because I hadn't gotten it, I had to move one of my piles because it was located within the 100 yard wetland buffer zone. It takes me hours upon hours to haul in material, and moving it wouldn't be any different. I asked if I could simply leave it where it was because it was in the buffer zone. Her vehement response? "No, and you're in violation because you have this pile in the buffer zone. You can get fined and go to jail."

Jail? For having my compost pile in the buffer zone? I felt like a criminal, and I felt powerless. Did I know that I should have asked the DEC permission to put my pile where it was? No. Who knows that kind of stuff? The fact of the matter is I always questioned the boundaries of the wetlands, and I told her that there was no way that was wetlands, so the buffer zone was incorrect. In addition, why hadn't she told me in 2012 that my pile was in the buffer zone? The delineation that she had already done included the area in question. If it was so important, why hadn't she pointed it out in 2012? I explained to her that I was planning on buying a screen plant and asked if I could move that pile over the course of screening the dirt, which could take a couple of years. I knew that the pile was doing no harm, but she didn't seem swayed.

After she left, I called Rob, and he told me that I should just move the pile because I hadn't asked permission. I asked why someone hadn't brought this up when I had been so tenacious about doing everything right. This is why I had asked for meetings, conversations, sent emails, and worked with Soil and Water. I wanted to do this and do it right, but I also thought everyone should be on board to make this happen. It was a good idea and great for the environment. In addition, I was *doing it at my own expense*.

I received a letter dated August 26, 2013, that required me to move a big pile that had been there for years, remove an access road to that small pile, remove a big pile that had been there for two years, and erect a silt fence to avoid runoff from the piles that I was supposed to move, which really makes no sense, but clearly *they know best*. So I moved the pile. It cost me \$11,000 to do that, but what choice did I have? It didn't drain my bank account, but it drained me emotionally. That was money that I was never getting back, that was never going to help me move forward. Anne and the DEC had threatened me with jail or fines, and I always just wanted to do the right thing. I always asked myself how I could do better, so following their rules felt like one way to do better even though it cost me time and money. I had no choice but to play by their rules, but fortunately for me, my debt load was low, I had other irons in the fire, and even though \$11,000 was a lot, it didn't bankrupt me. I learned many lessons from my parents, but perhaps the most important one was to never overextend my credit.

Merry Christmas to me, and I was still waiting for my permit, but Christmas came early, and I finally received my permit on December 16, 2013, but they didn't give me the waiver to accept more than 1,000 yards of "source separated organic waste." I was still dead in the water.



NYS regulated wetland delineation points from August 23, 2013. Protruding sections 2-6 are the area where my compost pile was and had to be moved out of their 100' buffer zone.

## Entry #9

I knew I was in trouble with the amount of material I was allowed, but I also knew that I needed to be nice to the people who were in charge. I reached out to Soil and Water, Fred Croscut, Farm Bureau, and others because I took the approach that we should all work together to make this happen, and I needed them to help me navigate the DEC. In May 2014, I went to a Sherman Town Board meeting to express my frustrations, and they kindly sent a letter to Cathy Young's office asking for help to remedy the situation. They carbon copied Assemblyman Andrew Goodell, and Governor Andrew Cuomo. None of them ever responded.

In June, I wrote a letter to the DEC, Tim Biggam from Farm Bureau, Vince Horrigan (Chautauqua County Executive), Cathy Young, and others and sent them packets that included an article from the *Jamestown Post-Journal* about landfill expansion, an article that appeared in the *Buffalo News* from the *New York Times* on turning food waste into compost, my business proposal, and two articles from *The Post-Journal* that highlighted my purchase of the windrow turner and its subsequent lack of use. My focus was always on the volume of allowable material in my permit. I had started sending all my correspondence certified mail so that I could keep track of who was receiving it and basically ignoring it.

I had told others that the DEC would rear their heads within two weeks of getting that packet, and they didn't disappoint. Cathy Young's office and Andrew Goodell's did respond, but they offered no solution. Just after July 4, 2014, Mike Myers (Monster Mike to me) sent me a packet and told me I needed a mining permit because I had been taking gravel from my own property to ready my land for the buildings I hoped to build. This came out of the blue but most likely in response to the material I had sent, and Myers hadn't been to my facility since September 2013. In 2011, Mike had approved a pit for the Town of Sherman, and I was reclaiming and using my own land. I needed that gravel for the roads and pads for the new piles I was hoping to build. So, I called Mike Myers. I said, "You guys know I'm trying to build a facility and some years I go over the 750 yards of gravel I'm annually allowed."

Mike said, "I've been working for the DEC for over thirty years. Never once have I ever kept a farmer from building on his own land, but I can do whatever I want to do, and there's not a darn thing you can do about it." This is why I call him Monster Mike.

"I'm trying to build a facility." I knew I had to keep being nice because they have all the power, but Mike told me that it was illegal to take gravel to another parcel, but all the property is in my name and belongs to me. I was moving it all on my own land! The term *illegal* is certainly ominous, and the paperwork they sent was equally scary... "may be subject to enforcement action by the DEC...action may include any or all of the following: civil and/or criminal court action, fines, and/or an order to perform remedial action,

including the reclamation of all affected lands.” Why was I always being threatened with legal action? I was just trying to compost, not rob a bank or murder anyone. I didn’t understand why any of this was so complicated.

I felt that the DEC was being unreasonable and perhaps retaliating for getting Cathy Young’s office involved in my idea to accept food scraps. I was hauling material on my own property on land I owned. I didn’t see the issue.

In July, I had no choice but to sell my windrow turner because I didn’t have the funds to let it just sit there unused. That machine could have turned 1,000 yards in an hour, and I was still only allowed 1,000 of source separated organics annually. It didn’t make sense. *The Post Journal* wrote an article about it on May 6, 2014 titled ‘Wasting Away’ and wrote ‘Due to New York state Department of Environmental Conservation permitting restrictions, a local businessman has sold his \$100,000 compost turner and the machine has left Chautauqua County.’ My frustration was growing.



Video: Selling Windrow Turner



Meanwhile, I was still having conversations with Scott Overhoff from Purina whose desire was to keep their scraps out of the landfill. He knew my conundrum, so he emailed Efrat. I told Scott that Efrat had always told me not to worry about the 1,000 yard cap because we could amend the permit when the time came, and I trusted her at her word. The result of her email with Scott was that she said what Purina had was “food processing waste” and

that it had no regulations and limits. What???! That was the first time she had ever, ever called it that. She had always used the term *source separated organics*.

All this time, going through the anxiety of the permit process, spending money on Peter’s help, worrying about the allowable limit, etc, and she basically responded to Scott that I hadn’t needed to do any of that! I was shocked, upset, and bewildered at her wording/labeling change, but I thought OK, let’s do this. Purina was finally going to be able to bring their food scraps to Slab City.

BUT, there was still this nagging little feeling in the back of my mind, so before Purina was set to start, I invited Fred Croscut and Andrew Goodell to my facility to discuss what this meant for my business. Purina was a big client with earning potential for me upwards of \$50,000 a year. That is a game changer for anyone, especially for someone who had been spending his own money and time hauling in material, but I also recognized that Chautauqua County was going to be losing a landfill client, and Greg Edwards’ words “We don’t want a business like yours in Chautauqua County” had haunted me since the moment he uttered them.

I told Fred and Andrew my concerns about taking money away from the landfill even though I knew there was enough waste for me to take just a little piece of the pie and do something good for the environment. “They’re going to shut me down.”

Getting Purina would have been a great start for me, and Wegmans and other companies had already expressed interest. I needed to start somewhere. When I expressed my concerns, neither Fred nor Andrew disagreed. Having a permit made my standards higher, but I did mention my concerns about surface water and the fact that mine was an outdoor facility in Western New York. It rains and snows a lot, but I assured them that the issue had already been addressed with the DEC and the United States Department of Agriculture and with the help of Soil and Water, and that was why I had to install the retainer pond. I had followed their specs in terms of elevation, drainage, erosion control, etc. I did everything they told me to do, and I did it at my own expense. I guess those feelings of insecurity wouldn’t go away no matter how professional I tried to become. I was still that farm kid who saw a pile of manure turn into a pile of beautiful topsoil and had never given up on making my business a reality.

On August 27, 2014, Purina delivered their first load of food waste that generated \$262.73 of revenue for Slab City. It was the first time the product came directly to me, and they were willing to pay me! Their plan was to at first be there weekly. It was going to take some time, but they were willing to transition to separating their waste instead of all of it being landfilled. They were hoping to have 1,200 tons for the first year at \$30.00/ton, but their own projections suggested that it would generate at least \$50,000 a year for Slab City. This was a game changer for me and would enable me to expand my facility and add on a second dry building. Finally, we were all on the same page because everyone knew Purina’s plan. Purina was committed to not landfilling their waste, and I was finally going to see my dream come true. This was going to change my life.



**Video: Surface Water**



## Entry #10

Because of the permit and registration, I was required to turn the material I had received from Purina. I knew what would happen as compared to the way I had been composting up until that point, and I was right. I had an odor for the first time. I had crows. I had skunks. I had other critters that I had never had before around any of my other piles. I knew it was only a matter of time until I had seagulls. This was all unacceptable to me, not the DEC, but to me. My property is neat and clean. I had never had anyone complain, but if this continued, that would change. The regulations didn't make sense, but I did what was required.

On October 10, 2014, Efrat came once again for the annual inspection. I had accepted one load from Purina, and it was separate from the rest of my piles. It so happened that same day it rained over an inch after midnight, so things were wet. Efrat pointed to the Purina pile which had a two foot round puddle near it and said, "You can't have *any* surface water. It's unacceptable." I explained that it had rained an inch since midnight. Her response? "You're going to have to move that pile." I told her she was being unreasonable. I also pointed out the retainer pond that they had requested I build, which was right by it. I couldn't understand the problem with a small puddle the size of a car tire. I explained that I composted outside and there was no way I could never have surface water once in a while. It's Western New York for heaven's sake. It rains, it snows, and everything in between. I knew that her request was impossible, and I'd never be able to meet that regulation. I had done everything they had asked of me, and all at my own expense. I planted trees, built a pond, moved an entire pile from the wetland buffer, seeded the ground, etc. I was feeling like they were picking on me. I finally was going to be earning an income, and they hit me with this? Why was this the first time I was hearing it? I was taken aback, but always wanting to play nice and by their rules, I told her that I would move the pile the next day.

After she left, I called Rob and Dave and told them what had happened, so they came to my facility. I knew that there was no way I could guarantee no surface water and wondered why she had said it. Their explanation, according to what Efrat had told them, was "breeding mosquitoes." What the hell? There was a retainer pond right there, but mosquitoes wouldn't breed there? Instead a tiny puddle that had dried up by noon?

Of course, I needed to know what the breeding mosquitoes were all about, so I did some research. I was never much of a great student, but I was learning a lot on my own through all of this, and this time was no exception. In New York, there have been five cases of Eastern Equine Encephalitis (EEE) since 1971, and not one of those in Chautauqua County. Gee, I could see why she was *so concerned*. West Nile Virus, also carried by mosquitoes, has

caused thirty-seven deaths in New York since 2000. Either way, my dried up puddle posed no threat, and Dave and Rob both knew it too.

On October 17, 2014, I got a second delivery from Purina to the tune of \$160.94. The same day, I received an email from Efrat with a new list of requirements to move forward. Move forward? I had done everything asked of me and was finally getting waste from Purina. I had talked to these people until I was blue in the face, and yet, here she is telling me what more I had to do. I really thought it was all set. Some of the requirements on the list had already been done, but I was still thinking it was all BS.

I was nervous about getting fined or shut down, so I told Purina to stop coming because I knew I would never be able to abide by the zero surface water. One might wonder why on earth I would do that because I was finally moving forward, but I felt like for every step forward, I was taking two steps backward. They could take legal action against me or make me move the material, and either of those options could potentially bankrupt me. It was a chance I was unwilling to take, and at this point, I truly felt like they were purposely thwarting me.

After several attempts to get all parties together in one place, I tried once more and reached out to Soil and Water and the Seneca Trail Resource Conservation and Development Council. They agreed to act as a liaison between me and the DEC. Dave was kind and was really trying to help me. He knew how frustrated I was getting.

Meanwhile, I felt I really needed to continue educating myself on the rules and regulations of the DEC, so I did a lot of homework. This was never easy, but I felt I must be missing something. On my third read through, I noticed wording that, admittedly up until that point, I hadn't noticed before. "...as determined by the department." It indicated a level of control, and I had never thought about it like that before. Why? Because I really believed in their mission statement. It reads:

To conserve, improve and protect New York's natural resources and environment and to prevent, abate and **control water, land and air** pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well-being.

Not only did I believe in the mission statement, but I believed in them. It seemed like the perfect fit for my business, but I realized after doing some digging that a lot of their language is contradictory because they can label things and do whatever they want. They are the only ones who know the rules and can enforce them how they see fit. I had to sign my paperwork, and one section reads thus: "I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

I'll admit it. I got nervous and felt out of my league. I listened to them and did everything they asked. I never in a million years thought that composting could lead to me going to jail. Honestly, the thought had never occurred to me. I felt that one of their most



destructive patterns is that they value their rules and regulations and themselves too much and ignore nature. It seems counterproductive, but that's what I was witnessing firsthand.

On January 9, 2015, I received certified mail from the DEC. I'm not sure if that's their usual practice, sending certified mail, but maybe I'm special. They were going to expand the wetlands which would potentially necessitate me moving a huge pile AGAIN. I couldn't understand after the recent delineation why in the world they would increase the wetland again. The vegetation to support declaring wetlands was nonexistent. What was going on? Again, I felt picked on and singled out. Certified mail? Increasing wetlands farther into my property? Were they messing with me?

In February of 2015, the *Post Journal* did an article on my business being at a standstill. I felt that there was no one listening to me and mentioned in the *Post Journal* article that it would be nice if there were some kind of grievance committee in place where one could talk to someone about the rules and regulations. In New York, that person is the governor. I had tried that route and generally got ignored. There is no oversight when it comes to the DEC, and I felt that they needed to be held accountable. If for no other reason than simply not being 100% upfront with me about what I needed to do. It was a moving target, and I kept missing.

## Entry #11

In March, I was still working with Seneca Trail and Soil and Water and sent in my annual report to the DEC. In May, the DEC told Dave that I could do this on a trial basis with source separated organics and food waste to see if my method worked. A trial basis? Did they not know that things decomposed? What trial? I had been doing this for years already and knew it worked. How can they think I wasn't composting? The landfill was doing the same thing, but the way I compost is much faster. What's to understand? I was frustrated, but I thought maybe I could get Purina back. I talked it over with Scott Overhoff, and he too was nervous. He said if the DEC decided that what I was doing wasn't acceptable, they could make me landfill it all at my own expense. Purina didn't want to take the risk, so I got a total of two loads for a total of \$613.78 and was done. This income did not live up to my expectations!

Because of my frustration, the Town of Sherman reached out to the DEC on my behalf again in August of 2015. They requested a meeting and involvement on the part of the DEC. There was no response, so my frustration grew. In September, I called the *Post Journal* and asked for help. They had reached out to the DEC and asked some very pointed questions via email. Megan Gollwitzer responded to them, but again, her answers didn't exactly line up with what they had been telling me. She said that the DEC agreed that I could continue with my "natural" process as long as I used one of their acceptable methods of composting. This goes right back to the PVC pipe and pitchforks. How in the world does that make sense for a facility of my size and scope? It doesn't. She also claimed I agreed to the 1,000 yard annual limit. I never agreed to that because that would do me no good! That limit was one of my biggest obstacles, so why would I? The DEC mentioned the asphalt pad. This would leach into the material making it non organic. I had wanted to use blue clay, a natural material that wouldn't contaminate the organic process in any way. There were other inconsistencies between what I had been told and what they told the *Post Journal*.

I had finally reached my boiling point and wrote a three page letter expressing my frustrations over this entire situation. I mailed it to forty different people and called some out by name. I expressed that I had given 100% to try to make this work, but there were simply too many obstacles in my path. I explained what County Executive Edwards had said to me about not wanting a business like mine in Chautauqua County. I pointed out instances where the DEC had covered up the largest fish kill in French Creek and their own double standards. I expressed that private property rights are a myth and that Mother Nature can compost on her own. I quoted some employees from the DEC where I felt they were threatening to me. I told how I had a dream that I didn't see composting being this difficult because it's simply natural. I explained how it would have been a win for the taxpayers of

Chautauqua County. I proudly signed my name, and then the shit hit the fan. Little did I know, but I had kicked the hornet's nest.

On November 10, 2015, I received a letter from Soil and Water saying that I had lied, and they wanted no further communication with me. They did agree to still act as a liaison between me and the DEC, but that was it. I understand that people have different versions of events, but to say I lied is simply not true. I told my truth. It may not have been how they perceived the situation, but it certainly was how I perceived it. I called and left a message for Dave. I called and left a message for Fred saying that I don't lie or make false accusations. Later that day, Fred Croscut called and yelled at me. He told me that I feel like I don't have to follow the rules. I was trying to follow the rules, but the rules were constantly changing. How did I know which rules to follow and when? No one would talk to me, and when I asked that all interested parties sit down and converse, I got ignored. I asked Fred, "How am I not composting?" He himself had bought my topsoil for his yard, so he knew damn well that I was composting. Why was it so hard for everyone to just say it and support it? He told me I had "burnt all the bridges" and I was "finished." Finished? I hadn't even started. He attacked my character and said all I cared about was money. Frustrated, I yelled back. "I have worked very hard to make money. That's how I pay my bills. I can't follow these regulations, Fred. It won't work. That's why it's been seven years, and I haven't moved forward." Should I have yelled at him? Probably not, but he yelled at me and threatened my business. I was finished? Was he personally going to make sure that the DEC or Soil and Water would never help me?

I received a letter from Vince Horrigan, County Executive, and he said they would not facilitate a conversation between the DEC and me.

On November 24, 2015, I had my attorney notify the DEC that I was going to cease and desist my operations. Purina wasn't willing to continue to bring their waste to my facility. I needed to respond to Soil and Water, so I sent a letter on November 30, 2015. I explained the conversation with Fred. I explained how the DEC never accepted my static method of composting. I explained that I was apologetic that I had gotten upset, but they had called me a liar. I explained that I was going to dissolve my solid waste and organic compost facility registration and permit.

Cathy Young sent a letter dated December 7, 2015, expressing how grateful she was that Soil and Water was helping me! Is no one listening? Is no one really paying attention to what's happening? It was just another slap in the face.

I responded to Horrigan's letter, and to be honest, I was salty. I was frustrated with all of them, every last one. I told Horrigan that he had done nothing at all to support my efforts even though he professed that he had. The whole thing had become a farce and was almost laughable. Almost, if it wasn't just so damn maddening. I was done.

To top it off, I was having trouble sleeping. It was hard to keep the anxiety and depression at bay. I had grown up on a farm, and farm life, if done correctly, is very regimented and structured. This felt like everything was spiraling out of control, even though in my mind, I was trying to do everything right. I did what I was told, educated myself, hooked up with groups I thought would help me, and here I was getting nowhere fast. And this was over composting, something that the DEC should be promoting.

I was lucky though. I have a great church, The Rock Church, a wonderful pastor, Doug Kibbe, a beautiful wife, Sherri, and lots of other things for which to be thankful, but I needed another outlet, one that would take me away from the stress of my business ventures. I don't smoke or do drugs and drink very little. In 2015, the Chautauqua County Sons of Liberty motorcycle riders' group was formed. This is a group of close friends who like to ride bikes, and I found it to be both a distraction and a therapy. They became my support group if you will, and for that and for them, I will be eternally grateful.



## Entry #12

Purina never returned. Instead, they started taking their waste to Good Earth in Lancaster, New York. In hindsight, maybe I should have sold my business to them! An employee at a local dumpster company told me all about Good Earth and Purina. He said Good Earth was a shit hole, literally. My curiosity got the better of me, so I did a little research on Good Earth. In fact, I researched to the tune of \$5,000 to have records released under the Freedom of Information Law. Good Earth was a composting facility that was in a residential area. When the dumpster employee said it was a shit hole, he wasn't kidding.



Images at Good Earth's facility

There were giant puddles, seagulls were a constant, and neighbors were complaining about odor. The Niagara Lutheran Health System's corporate offices were nearby, and they called the situation a "bizarre, pesky, and unhealthy situation." They also referred to it as an "out of control problem."

Where was the DEC? They received complaints directly, and still Good Earth was in business. Why was Good Earth allowed to have a very unstable situation, and I was asked to move a pile after a soaking rain that created a puddle next to the pile that could potentially be a bed for breeding mosquitoes? This seemed completely ludicrous. That puddle dried up less than a day later. Did my neighbors ever complain about odors? Rodents? Seagulls?

No. Why? Because I had big grassy green piles. The turning may speed up the process, but it also brings a host of problems exactly like those at Good Earth, and that's exactly why my method makes the most sense. It also made me feel targeted, and I really couldn't understand what I had done to deserve it.

As 2016 went on, I kept doing what I had been doing all along - gathering farm waste and making my piles. I hosted the Clymer Central School FFA group and explained the static method of composting. Part of my business plan had included an educational component, and even though my business plan wasn't coming to fruition, it didn't mean I had to abandon it completely. I enjoyed teaching kids about things I learned as a kid growing up on a farm. I feel that it's important for young people to learn about growing their own healthy food.

My permit was officially discontinued on July 15, 2016. Of course, I was threatened by the DEC that operating without a permit could be "subject to enforcement action." I get it, trust me. I had a conversation with FBI agent Chad Artrit about what had been happening to me and how I felt targeted. He encouraged me to officially ask for help, so in August of 2016, I reached out to him and sent documentation that I hoped would shed some light on how the powers that be were impeding my business from moving forward. Of course as with all things relating to this business, nothing came of it.

In desperation over the fact that nothing was moving forward, I again reached out to the Sherman Town Board asking them to try to facilitate a conversation between me and the DEC. They declined. In fact, board member Howard Crump said, "It was never going to happen, Greg. You can't fight city hall." Never going to happen? Why? Why? Why? It's not exactly like what I wanted to do was a novel approach to composting. It's not exactly like what I wanted to do would be bad for the environment or the Town of Sherman. In hindsight, Howard Crump was right. A guy like me can't fight city hall, but I was hoping they would help. I just wanted to compost! I was also told to "Get over it." Easier said than done.

At this point, I was feeling a lot. For several long years, I didn't know the ins and outs of navigating through all of this. I could have hired an environmental lawyer at \$250.00 an hour, but I wasn't in the position to go up against the DEC. I didn't and still don't have deep enough pockets for that kind of fight. I couldn't help but feel like a gerbil in a maze. I was stuck and didn't know any other way to turn. I felt like I had to defend myself all the time, and for what? Composting? It didn't make any sense. I had learned to take the hits over and over again from my dad, so in a way, I owe him a debt of gratitude because if he had been any different, I may have given up a lot easier. I had become a fighter, so I felt like that was my only option. The good old boys were messing with me, and God willing, I planned to hold them accountable.

## Entry #13

I want to make it perfectly clear that I believe in rules and regulations. I understand that the DEC has good intentions, but I don't understand why my static composting seemed so perplexing to them. Rules and regulations have their place, but when they negatively impact someone's life, liberty, and pursuit of happiness, they should be changed. When common sense can't prevail, they should be changed. When they actually aren't beneficial to the environment, they should be changed.

I had asked repeatedly for a conversation with all parties involved, and they repeatedly denied that request. Everyone was talking about Greg Rater, but no one was talking with Greg Rater. I can't believe that it is more complex than the almighty dollar driving the ship. The Chautauqua County government did not want to lose one cent from the landfill even if that meant filling the landfill with compostable material.

By the beginning of 2016, I knew that my material was depleting. I was hoping for revenue to build my drying business, and that didn't happen. All of this was weighing heavily on me. I knew that *I knew* the most economical way to compost, but what I *didn't know* was the jargon. I began to educate myself. I learned about wetlands and the DEC's regulations regarding them. I read all the wetland manuals and realized that they didn't always follow their own rules. For example, the delineation that they did of my property included a man made ditch that I had filled back in. That is not considered wetlands, but in my case it had been. Why? Was the DEC mad at me because I was trying to go above them when I reached out to Cathy Young's office? Shouldn't they have to follow their own rules and regulations if I have to? Were they behaving professionally? Honestly, it didn't matter. They are their own governing body with the exception of the governor's office, but rest assured, the governor had no cares about what was happening in Sherman, New York, at Slab City Organics. Where could I turn? For all intents and purposes, the DEC has no accountability to anyone other than themselves. I tried with the articles in the paper, but that seemed to just anger them worse. Was it retaliation?

In my research, I learned that the floodplain occurs one out of every one hundred years, and I had to move my pile because of it. I studied and learned all I could from the DEC's own manuals. I read three manuals on wetlands alone and did a lot of online research. I learned, for example, that wetlands always have to have saturated soil and certain vegetation. My property did not fall into the category of wetlands based on their own definition. My fields were always dry and had none of the characteristic vegetation that should accompany wetlands. I also learned that soil samples had to be pulled and tested to make the designation. When Ann Rothrock had done her delineation, she did NOT take a soil sample. That in itself should have been a red flag, but at the time, I wasn't yet versed in the rules and regulations.

I also was part of a tree program where the United States Department of Agriculture paid me \$800/year to plant trees. Most of them died, and I felt like the way the program was run was a complete waste of taxpayers' money. In my opinion, it would have been more productive if I had done the work first and gotten paid second, but I guess that's not how it works sometimes even though that makes the most sense to me.

By the time the middle of 2017 rolled around, I was feeling like I had to do something, but I had not a lot of options, so I went public again by submitting a letter to the editor of *The Post-Journal*. I explained that I felt the freedom I should have to create a business as an American citizen had been stolen from me. I explained that the DEC had complete jurisdiction over my business, and there was no recourse for me. If it's the DEC, the only one higher is the governor, and he certainly didn't care about Greg Rater from Chautauqua County. *The Post-Journal* did indeed publish my letter on July 1, 2017. It was perfect timing because the title of my piece was "Liberty and Justice For All."

In response to my letter, Don Peterson wrote another letter to the editor which was published on July 9, 2017. Don's title? "Investigate Solutions to Onerous Regulations." I cannot express how grateful I am to Don that he was supportive of me at that time. His letter addressed the lack of communication between all governmental agencies and me. He expressed how I had been running a successful business for over twenty years and what I was hoping to do would be exceptional and commonsensical. Did it show the DEC and the local government in a good light? No, it did not. Don basically pleaded with the powers that be to help me because it would be good for the environment and ultimately the local taxpayers. I knew this wasn't going to be well received and expected some sort of slap on the wrist/retaliation from the DEC despite the fact that I had had no interactions with them for almost two years. I didn't have to wait long.

On July 28, 2017, just about four weeks exactly from the date of my letter to the editor, I received by certified mail an issuance of a notice of violation (NOV) that was dated July 13, 2017. Certified mail? Seriously, does the DEC routinely send mail certified? They were upset that I hadn't filed an annual report. Annual report? Remember that I had deregistered my facility once I got shut down over the puddle. What was there to report? They knew I was no longer taking in any regulated product, so to say I was confused is an understatement. What a joke! But the best part was the underlined section that read thus:

Department staff must receive your facility's annual report within fourteen (14) days of this letter's date. If the annual report is not received by the date specified above, the Department will commence an enforcement action against you which may include an enforcement hearing. Failure to submit a solid waste management facility annual report is a violation of 6 NYCRR Part 360 and can result in a penalty of up to \$7,500 per violation and an additional penalty of up to \$1,500 per day that the violation continues, as specified in ECL §71-2703.



What in the actual hell was going on? Talk about threatening! What a coincidence that I hadn't heard from the DEC for months, and two weeks after I put a letter to the editor in the newspaper, I got a threatening letter from them. \$7,500? \$1,500 per day? For a food waste recycling business that I didn't even have any more? I knew that they had me where they wanted me because they had and continued to have all the power in the situation. I filled out the annual report with a bunch of zeroes considering the business didn't exist.

In November of 2017, Chautauqua County received an Environmental Excellence Award from the DEC. Our county, the one with no foresight or no desire to keep compostable material out of the landfill. Naturally, I found this to be ironic. Again, I wrote to the *Post Journal* and explained that real environmental excellence would be keeping unnecessary material out of the landfill. At this point, my frustration was reaching a boiling point. An award for excellence? Not even close. To make matters worse, Andrew Goodell and Cathy Young both sent out surveys asking for input on matters of interest including the environment. I was beginning to feel like the local politicians proved Einstein's theory of what insanity is: doing the same thing over and over and expecting different results. I could tell them what would be good for the environment, in fact I had told them. I had even shown them, but THEY SIMPLY DIDN'T CARE.

## Entry #14

At the beginning of 2018, Cathy Young's office sent out a questionnaire asking for input. I responded with a letter explaining that my voice didn't matter because I had been "yelling" for years, and no one was listening. In the meantime, Chautauqua County was toying with the idea of a solid waste flow control law. What this meant was that all solid waste produced in Chautauqua County had to go into the landfill. No exceptions. Legislator Terry Niebel said that could create a monopoly for the county. Gee, really? All solid wastes from the county must go to their landfill? A monopoly for sure. The *Post-Journal's* editor's opinion is that it would hurt private business. He wrote, "The county's solid waste flow control law could make it virtually impossible for a private business to enter the marketplace because there wouldn't be enough trash left to make the business profitable... the lack of possible competition is troublesome. Besides, this type of law is reminiscent of something New York state would come up with - a law that creates a disincentive to create private sector jobs. Such meddlesome regulations have no place in Chautauqua County." The editor is exactly right. It would create a monopoly, and the county would have 100% control over all waste in the county. They wanted to pass a law that would enable them to set their own prices and would not allow private businesses to operate. This is not what the government is supposed to do. They were not only competing against the private sector, they were shutting it down completely. Again, my blood pressure couldn't take the insanity.

I had also heard via the news that some of the regulations regarding food waste had changed, so I called Efrat. She emailed me information about the new regulations that she felt would pertain to me. She wrote, "The definition of *Source-separated organics (SSO)* in the regulations includes food processing waste. The Purina waste is considered food processing waste and so is included in the definition of SSO." My head exploded! For the first time, Efrat said in black and white that food processing waste and source separated organics are *the same thing*. This goes against the registration because she had previously said Purina is SSO, which means registering *and* permitting. SSO is capped at 1,000 yards per year. WHAT? According to this email, I didn't need a permit after all to accept Purina's waste. They screwed me over again. 1,000 yards per year compared to 1,800 yards *a day* for the landfill. Where are our priorities? The language and definitions were confusing at best and contradictory for sure. This contradicted what I was told by Mark Hans at Cathy Young's office in 2012. At that meeting, I was told I needed to be permitted in order to be able to accept Purina's waste. After Efrat's email, it was clear that the two are mutually exclusive. It was also clear that the regulations had changed and that I could accept more than 1,000 yards a year. In fact, I could accept 5,000 yards a year. Had these regulations been in place earlier, I would never have had to deal with the permitting process. I had sold my windrow turner and they were still not accepting my method of composting with no reason as to

why. I still couldn't move forward. Even after all the research I had done, it was still so confusing, and no one, literally no one would sit down and have a conversation with me and look at my facility to determine why what I was doing was unacceptable.

Meanwhile, the townspeople of Carroll met to show their opposition to reopening the Jones-Carroll Landfill that was proposed during the discussion of the solid waste flow control law. Having that landfill open isn't really a concern for me, but a comment made by County Executive Elect George Borello during that meeting was interesting. Borello said, "... the DEC has directed us in the county through the solid waste management plan that we have to adhere to that. We are supposed to do whatever we can to divert things from going into the ground, period." Really? That was my intention all along, and yet, for some reason, the diverted material wasn't allowed to make its way to my facility where it would be turned into a usable product.

Once he was installed in office, County Executive Borrello sent a letter to the *Post Journal* in which he introduced himself to the county and outlined his goals. He wrote, "My mission is to lead by bringing people together, facilitating communication and collaboration, setting goals and then achieving those goals...and create an environment conducive to community and business growth. We need others to see our community as...a great place for a business to expand or startup." If this were really true, that would be great, so I wrote to him in February, hoping that perhaps I might have a chance to start again and have some support at the county level. I invited him to tour my facility and asked that he look to the future, to basically put his money where his mouth was. He stood in a room and said that we should be diverting waste from the landfill, so my hope was that he actually meant it. I didn't want to be alone in this anymore, and he had given me hope that he would support my endeavor, even if it was just inferred. He didn't respond.

In March, I reached out to the Seneca Trail Resource Conservation and Development Council. This is the group that included my dad, and they were very familiar with my situation. I asked them to get involved and reach out to the powers that be and help me. The flow control law wasn't going to be the answer, and the council knew that. That is why I asked for help. I was hopeful, but not too hopeful.

I reached out to Borrello and others again in April via letter explaining my thoughts on the flow control law and hoping that he was in favor of free enterprise and against the potential (actually very real already existing) monopoly that could ultimately be created if the law were to go through. As per usual, I got no response. I was getting used to that. I reached out again in May asking Borello to visit my facility so that I could show him myself how I was operating my business. I included the *Post Journal* article from 2011 that nicely laid out my operation.

While I was trying to get the county and the DEC to go along with my accepting food scraps, the *Post Journal* printed an article on June 17, 2018, entitled "DEC Launches Grant

For Excess Food Diversion.” The article explained how the DEC was “launching a \$4 million grant program to help generators of excess food and food scraps to expand their capacity to donate wholesome food or divert it to organics [sic] recycling facilities.” The article offered statistics that included how many tons of wasted food is generated in NY. At that point, when I saw articles like this, I wanted to bang my head against a wall! What in the world had I been trying to do for years? They’re willing to spend \$4 million dollars to launch a program? How about just saying Greg Rater could accept food scraps and turn it into organic top soil? What a novel idea! I just didn’t get it. The bureaucracy that was involved in all of this was astounding and maddening.

In response to this, I again penned a letter asking County Executive Borrello, Senator Young, and other local government entities to visit my facility. I explained that I had been told my ideas were ahead of the times, but I knew that the time had arrived, and the DEC grant monies were proof of that. I explained that if people weren’t forward thinking, society would never advance, and this idea of keeping food waste out of the landfill was already here in their very own backyard. I just wanted them to come and see for themselves, finally; however, I knew that I shouldn’t hold my breath.

## Entry #15

In the meantime, I was still selling the topsoil that I had and hauling sawdust and doing pretty much whatever I could to create a business. Was it the business that I wanted and knew it could be? No, but I was making a decent living. I received many compliments on the product I was selling including an email from a gentleman that said, "I have been gardening for over 35 years...the soil you brought to me has far exceeded any expectations I could ever imagine. In all my years of gardening, I have never seen such lush growth and healthy plants than I have this year!" I knew what I was doing, and I always knew that I knew what I was doing, but it was nice to have the validation from my customers. It was "just good dirt" and three years chemical free to boot.

Mark Persons did respond to my letter, and he offered to have the town board tour my facility before one of their meetings. It was better than nobody, and I appreciated his efforts. Cathy Young's office reached out informing me that I would not be fined for failure to submit an annual report to the DEC's office considering I had accepted no materials for that calendar year. She also told me that as an individual, I was not eligible to receive any of the \$4 million grant money. Again, I wasn't a good old boy. Of course I didn't know for sure, but if I were a betting man, they already knew who was getting the money. I responded to her and again explained that *she didn't understand my situation or address any of the issues I had raised*. The only way for her, or anyone for that matter, to understand what I wanted to do was to visit my facility and see for themselves. I again invited her to come to the meeting that I wanted all government entities to attend. I felt like I was reduced to begging, and basically I was. Please come and let me explain because what I want to do is good and right and sensical. I was constantly in a holding pattern, asking for people to visit, to talk to me, to acknowledge that what I was doing was composting because that is exactly what I was doing!

I planned to build a garage at my father-in-law's house and needed a permit. Greg Ossman, the Sherman code enforcer, came to look because as someone who attends all the Sherman town board meetings, he knew my history with the DEC and knew that the garage would be near French Creek. He didn't want any trouble down the road, so we went back to the town office, and Ossman called the DEC offices. He told them he was going to issue a permit, but that the structure would be relatively close to French Creek. Whoever answered the phone at the DEC office told Ossman that French Creek was a class C stream (unprotected), so the DEC had no jurisdiction over it. Needless to say, we were both floored by this information. All along I had been doing what the DEC told me to do in regards to French Creek, and according to this person, they shouldn't be telling anyone what to do where French Creek was concerned because it wasn't within their parameters. They directed me to the Army Corps of Engineers. He issued me the permit, but I made sure to

attend the next board meeting to let them know that all this time the DEC was telling me to do this and that, they said they had no authority over French Creek. I wanted it on record that I felt as if the DEC had screwed me over all these years.

On August 1, 2018, I was at the bank in town, and Fred Croscut was also there. I hadn't planned to talk to him, but I decided that we needed to clear the air between us. He is my dad's cousin, so I went up to him when he exited. I said hello and expressed that I thought it was time for us to sit down and talk. My tone was cordial. I said it had been two years, and I asked if he would be willing to sit down with me and the town board and just talk. He responded that he was not going to sit down with me or have any conversation with me. I was cordial, he was not, and then I got a bit heated. I asked if he was afraid to have an adult conversation like a real man and told him that he could ask me any question he wanted and answer my questions as well. "You better shut your mouth." I had asked for an adult conversation, and he was acting like a child. I confronted him about the phone call he had made when he told me that I "burnt all the bridges" and "you're finished." He said he didn't say that! He looked right at me, face to face, and denied the truth, so I did what anyone in that situation would do and called him a goddamn liar. He told me not to embarrass myself. "Embarrass myself? I never asked anybody for anything, Fred, unlike you. You got taxpayers to build your garage because you're a good old boy." At that, the



Audio: Good Ol' Boys and Golf



interaction was over. I was shaking inside because I had approached him like an adult, hoping to clear the air, and he looked right at me and lied to my face. He had been telling people that he never called me and said those things to me, but he had! The whole thing seemed surreal because I genuinely wanted to work things out, but he lied and got mad at me! I just want to compost for

heaven's sake! I never got any government assistance of any kind; I only wanted them to see what I was doing and get out of my way. Just let me do what I had been doing only give me some of the food waste that was going into the landfill. Fred had bought my dirt and is the chairman of Soil and Water. Seems like he should have been first in line to help me.

Despite the altercation with Fred, I remained steadfast in my purpose to see this through until the end, and at the time, I didn't see it as the end just yet, so I sent a more formal letter inviting local government officials to tour my facility on September 6, 2018, and to my surprise, most accepted. I was nervous, but I knew it had to happen and was also excited. I had a hay wagon ready, so that we could all ride together. County Executive Borrello was there, a representative from Cathy Young's

office, members of the town board, a representative from Soil and Water, my uncle, and my aunt. It was a captive audience, so we went over everything. Borrello admitted that what I was doing was a great thing, and he was impressed with my “clean operation.” We looked at the top soil I had already composted, and I explained the process as “simply the laws of nature.” I described the anaerobic static pile composting and how it was exactly what was happening at the landfill except I wasn’t producing methane gas and had no garbage around. I outlined my vision, my business plan, and how I got started. He seemed to understand that it was hard to compete with the landfill and be competitive. If I had to turn my material, per DEC, I wouldn’t make a profit, and I would be inviting seagulls, rats, odors, and the like. What I had was rolling hills, and even he admitted that there was enough garbage to go around. Mark Persons reiterated that I had the support of the Sherman Town board, which I appreciated. I can honestly say that no one who has toured my facility and heard my plan has said what I was doing or wanting to do was a dumb idea. I made sure I thanked everyone in attendance at the time and the next day via email. I did my best and hoped for the best.

I reached out to Cathy Young’s office and asked that she help facilitate coordination between Cornell University and me to be a part of their composting study. The DEC gave Cornell \$200,000 to research agricultural and other end uses of compost to result in a marketable product. This is exactly what I was already doing, so it seemed like I could save Cornell a lot of time by just having them come and see what composting on a large scale looked like. The *Post Journal* continued to publish articles about recycling issues because China was restricting the amount of recycling they were accepting from the United States. We clearly had been making our garbage problem China’s, and they recognized that wasn’t sustainable. Again, I wanted to beat my head against the wall because in Chautauqua County, we were putting everything into the landfill, and they wanted a flow control law that made that the only alternative. Then they complain that we couldn’t sustain this? What the heck? The entire reason was money, as the root of a lot of problems is, but at what cost? The long term thinking was nonexistent.

## Entry #16

In March of 2019, I had a conversation with my dad that prompted me again to reach out to the DEC. During this conversation, my dad said, “They can’t believe you’re still in business.” He wasn’t specific about who *they* were, but I knew that it was the good old boys. For months, I had been researching and reading the DEC manuals. I knew that I was ready to ask some serious questions to see if they all were on the same page or if I would get different answers depending on who was doing the talking. I made an appointment with Chuck Cranston, Sub-Office Deputy Regional Permit Administrator. Matt Smith was also in attendance. The first thing I did was tell them about the call Greg Ossman had made to the DEC and what that person had said about them having no jurisdiction over French Creek. I asked for clarification on the different classifications on streams and creeks. Matt showed me a map on which French Creek was labeled in blue which, according to their own key right on the map, meant it was an unprotected stream. From my research, I knew that Class C streams had different classifications (T = trout waters and TS = trout spawning waters), but for the first time, Matt said there is a 500 foot check zone, which is basically a buffer zone on the edge of creeks and streams, not the streams themselves.

Even though I had knowledge, I played dumb because I wanted him to answer my questions (tell it to me like I’m 14). I asked about gravel because the DEC had told me I couldn’t be in the creek taking out gravel from my own property, but I knew about the town of Mina and how much gravel they had removed from French Creek. Of course,



municipalities have a different set of rules than me, a regular Joe Schmo. I asked where those rules and regulations regarding municipalities were written, and it turns out they aren’t written anywhere. Cranston said that the DEC can pick and choose who to grant permits to. I expressed that I thought there should



be fairness for everyone. I had been told no gravel, but at this very same meeting, they told me that I could remove 100 cubic yards or less per year without a permit. They simply don't know their own rules and regulations. As someone who just wants to do his job, this is beyond frustrating because I felt as if it depended on which way the wind was blowing in regards to what I could and could not do.

I did say, "You would think that if there are microorganisms that only exist in French Creek and nowhere else in the world, it would be protected." Mike Myers had told me that was the reason I wasn't allowed to do a damn thing in that creek. Which is it? In addition, because I had done my homework, I asked about French Creek being navigable. I knew but didn't share that in NY, if a person is on any type of flotation device (canoe, tire, raft) and doesn't touch the bottom of the bed on at least one day a year, it's considered navigable. In a sense, every waterway in NY would be considered as such. Chuck Cranston said, "A stand alone C is not protected unless it's navigable." I was really confused at this point because French Creek would certainly qualify as a navigable creek, but on their map, it was labeled unprotected. Cranston's reason? "We haven't updated our maps since 1984." What?! French Creek has been navigable since before I can remember.

This information wasn't helpful at all because their own regulations are contradictory. If, according to their maps and the woman who had told Greg Ossman that French Creek was a Class C stream, I wouldn't need a permit at all to take gravel out of the creek, remove debris, etc. When I asked Cranston about this and about permitting, he said, "We are the ones that say if you need a permit or don't. We've got guidance about how to remove woody debris. Even protected streams you don't need a permit. If not a protected stream, you know, unless you're excavating or filling, you know, then you don't need a permit." But then shortly after, Cranston said, "It's unprotected by classification, but...Now we talked about navigable too, so any excavation or fill requires a permit from us." My head was hurting. I felt they should do their jobs and make sure their maps were up to date and accurate. We also discussed B streams and wetlands and my situation where Anne Rothrock had jugged the wetlands out into my property where my dad had put in that ditch that later I had filled in. It simply didn't exist anymore. I knew that my property was not wetlands because it lacked all the telltale signs of being wetlands *according to the DEC regulations*. I would like to say that this meeting cleared up some terminology and answered some questions, but in actuality, I was almost even more confused than before. Was I stupid? I didn't think so, but it sure made me feel that way. At any rate, Matt agreed to visit my facility and take a look for himself. Interestingly enough, after this meeting, I got a call from Dennis Sweatman, Sherman Town Highway Supervisor, and he asked, "What did you do up there? The DEC called Mina and French Creek and told them all to stay out of French Creek. Mina had taken a lot of material out of French Creek, so this was intriguing.

On April 12, 2019, New York passed a landmark food waste bill. The bill was a “first of its kind food waste bill” called The Food Donation and Food Scrap Recycling Act. Its goal was to prevent food waste in the first place, rescue surplus food for those in need, and **recycle any remaining food scraps**. What a novel idea! Why hadn’t anyone thought to do that before? Anyone at all? Let’s recycle food waste because that is what composting is. If only there had been someone long before this to try it, we might know if it could actually work! The law continued to say that food scraps should be kept out of landfills, but the requirement only applied if they are located within 25 miles of a food scrap recycler (compost or anaerobic facility) with capacity. With capacity? Their own regulations limited capacity for someone like me, whose facility was certainly within a 25 mile radius of the Chautauqua County landfill. What a joke this all was! Let’s keep food out of the landfill, unless of course, you have no alternative. Then by all means keep landfilling and collecting those dollars! Chautauqua County had no plan in place because they were greedy, and I knew that they wouldn’t make adjustments or long-term plans to adhere to this new law. I just knew it.

On April 25, 2019, Matt Smith kept his word and did indeed visit. He took one look at where Anne Rothrock had said I had wetlands and he didn’t disagree that it wasn’t wetlands. No kidding, but why did it take an act of God for someone to come and see for himself when I had been telling them all along that I knew it wasn’t. My business was on hold. This was my livelihood.

This was all getting to be a lot, and I just felt like the DEC was messing with me. Those suspicions seemed all too real on the night of June 1, 2019. It was 3:00 AM, and my wife and I were awakened by our barking dogs who just happened to be outside that night. She opened our front door, and about five feet away from our house, there was a drone on tracks in our driveway laser scanning the front of our house. As she moved, a camera arm on the drone detected the motion and turned toward her. She ran in to get me, but when we returned, the drone was gone. It’s the wee hours of the morning, and a drone is in my driveway? What purpose other than to see what I was up to? We filed a police report, but I knew it wouldn’t do any good. This wasn’t an ordinary drone that ordinary people own. It was what can only be described as the type of drone that government entities can afford, entities like the sheriff’s department or *the DEC*. What in the world was going on, and why? Again, all I wanted to do was compost food waste, and it was leading to a lot of unnecessary stress in our lives because we were scared.

## Entry #17

I knew that this was all getting to be too much, and yet, I was determined to see it through. I reached out to Don Peterson, for whom I was working when I started my business and he was familiar with my composting, hoping that he could act as a liaison between the DEC, Soil and Water, and me. He worked for NY FarmNet as a consultant, and this organization seemed to be exactly what I needed. They offer financial analysis, business planning, personal well-being care, retirement planning, outreach programs, etc. In May of 2019, Don talked to Soil and Water and emailed me afterward. His questions for me?

- 1) What do you want to do?
- 2) What will be the source of food waste for your projection?
- 3) What is the quantity needed for year one, two, three, etc?
- 4) What will be the process? Time frame - months? Years?
- 5) Length of process?
- 6) Location for new project?
- 7) Windrow turner?
- 8) Do you have a current permit? Are you going to get one?
- 9) Why did you have a permit before? Was it so you could operate commercially?

Don's email continued and said that Rob and Dave from Soil and Water were willing to approach the proper individuals for the approval of a pilot project. He also said that I should refrain from contacting them unless I could do it with minimal negativity and that they were willing to go out on a limb for me one last time. I responded with a hint of sarcasm, but after all this time, the answers to those questions should have been obvious to all of them. In fact, I am 100% certain that they did know all the answers, but like a good little boy, I answered them with honesty (and frustration).

Dave Spann reached out to the DEC as promised and sent Don a couple of options that I could "consider" that would fall under the current DEC rules and regulations. Dave expressed that I should be willing to accept 2,500 tons per year instead of my targeted 12,000 tons to show the DEC that I could make it work and that would make way for future conversations. He attached the composting regulations he had received from Efrat Forgette. She said that they considered the Purina waste to be Source Separated Organics (SSO) and that could potentially be exempt from regulations if I accepted less than 1,000 pounds per week. They still weren't really understanding or recognizing my methodology because the regulations still stated that material had to be turned two times per year and no material could remain on site for more than 24 months with a registration and 36 months if permitted. I am statically composting. The very definition of static is not changing. If I turned my material, it would cost me a lot of money *and* would very likely create odor and attract

critters just like at Good Earth. I didn't want that for myself or my neighbors. And prove that what I was doing would work? I was already doing that and had been for twenty years. I wanted chemical free dirt, and when would the material be considered dirt and not "waste?" Wouldn't that make it exempt from their rules? How long would this experiment take? I found the entire situation laughable and felt like I was going round and round, starting right back at the beginning.

I did send Don a letter asking him to please try to finally get all interested parties to visit my facility to show them what I was doing and how it would work because it had been working. I couldn't statically compost and move the material as often as they regulated. It made no sense, financially or otherwise.

After emailing back and forth with Don, he suggested that if I wasn't willing to forget the past and start from the beginning, I should just give up. "...either apply for the permit or let it go." My reply to him was direct. I asked why I should think this time would be different. What guarantees did I have that I wouldn't be shut down over a little puddle? I expressed that *everyone* knew what I was doing was composting. Why was any of this so hard? I sent him a list of questions similar to what he had sent me. I told him I needed the answers from Soil and Water/DEC before I decided how to proceed. In September, I emailed Don again explaining that I had more than the two options he suggested. I had three (apply for the permit - give in; let it go - give up; or give it all I've got). I told him I was going to choose option three. I didn't appreciate him telling me that I needed to put a damper on the negativity and then he sent me a very negative email. Why is it OK for others to express their feelings, and when I do, I'm a jerk? I asked that perhaps I be allowed to be involved in conversations about me. It didn't seem like too much to ask.

During this same time, I was contacted by a lady who was involved in the local Tea Party. She had read the articles in *The Post Journal* about my struggles with the DEC and invited me to present at a meeting. I hadn't planned on going to that meeting to disparage the DEC or Soil and Water. My sole intent was to just explain my experience in a presentation titled "Search for Justice." I had no place to turn, no grievance board or oversight committee. The governor is the only oversight for the DEC, and quite frankly, he didn't give a rat's ass about Greg Rater and Chautauqua County. I felt like the law was on my side, but I was competing with the landfill, and that is bigger than me. Don called me about this meeting and told me that Soil and Water was concerned about me doing this presentation. I called Dave Spann and assured him that I had no intent to throw them under the bus.

I also decided to have a soil sample done by Logan Labs for the one little pile I had gotten from Purina. Because of my brother Michael's experience as a soil tester, I shared the results with him. His advice on how to make my product better? "Remain the same. Do what you've been doing because it's as good as it gets." I suggested to Don that perhaps the

DEC change their regulations to include what I was doing because as good as it gets doesn't suggest that what I was doing wasn't working.

I reached out again to the entities that I had been contacting all along, and they agreed to write letters of support for my methodology. I received letters from the Town of Sherman, Soil and Water, and Chautauqua County Farm Bureau, and I mailed them with my own personal letter to Assemblyman Andrew Goodell, Senator George Borrello, county attorney Stephen Abdella, and the Chautauqua County Legislature. This was especially important considering that in April of 2019, New York had passed the Food Donation and Food Scrap Recycling Act that would take effect in 2022. Once that legislation passed, I really felt like all the pieces were falling into place for me to finally move forward because it was becoming the law to keep food scraps out of landfills. I wrote a lengthy letter explaining how what I was doing was *exactly* the type of business that hit all notes of that legislation. I practically begged them to work together with me and explained how adding food waste would only make my top soil even more nutrient dense. I knew how fast time passes and how slow the wheels of government turn. With the Food Scrap law, I really felt that finally Chautauqua County would have no choice but to figure out a way to keep food waste out of the landfill, and I was waiting right there in front of them.

## Entry #18

In December of 2019, I asked to present at the Town of Sherman board meeting. The lady from the tea party had put together a presentation for me to present at the tea party meeting that she invited me to attend. I thought I should present it to the Sherman board to keep them abreast of what I was doing. I believed in transparency, and I always kept them in the loop on the progress of my business (or lack thereof). In hindsight, I maybe didn't need to do this, but they had been supportive for the most part, and having a thriving business in Sherman would not be a bad thing. I took the opportunity to also invite Fred Croscut because I wanted to show him that what I wanted to do was what New York wanted to do (at least on paper and at the state level). As had begun my common practice, I recorded the meeting.

My presentation was titled "Foundations of Greg Rater's Life" and included what I felt was my search for justice. I began with the foundations of my life: my faith and my patriotism. I shared the DEC's mission statement, which seems like a perfect fit for my business. In addition, I shared their ideals of reducing, reusing, recycling, composting, recovering energy, and landfilling. According to their own beliefs, landfilling should be the very last thing that we do with our waste. I then shared my own business mission statement which reads:

The primary mission of Slab City Organics is to reduce food products from being deposited into the Chautauqua County Landfill with the most practical, sensible, scientific, and well-managed practices for success. Slab City has proven to conserve, protect, and improve Chautauqua County's natural resources and environment to enhance wildlife and outdoor recreation through sound leadership, preventing land, water, and air pollution to enhance the safety, health, wellbeing, and economics of county residents.

I explained how managing organic material was considered a high priority in New York State. My belief is that organic material is more precious than gold because of all the things that we can do with it. At this time, the policy of the state was to encourage the development of agricultural land for food and other agricultural products. I wanted them to see that what I wanted to do exactly aligned with New York's own policies and priorities. I explained that Cuomo wanted what I was proposing. I said, "I'm not crazy." I also explained that I felt I was a victim of the DEC seizure of farmland because they were impeding me from expanding my business. They had incorrectly declared certain areas of my property wetlands, ordered me to move one of my piles, and created a new map that didn't make any sense in regards to the type of land I had. I felt that I was denied justice because they

prevented me from operating, controlled my land, had power over my property, and felt they had illegally overstepped the power of their authority.

At the beginning of my presentation, I handed out a packet outlining all of these things, and at the end, I ripped up the packet and said, "Let's try to move forward." I continued by saying, "I think the root of this going on is when Greg Edwards told me right to my face and Fred was sitting right next to him. Edwards told me he didn't want my business in Chautauqua County, and he explained it was because of the loss of revenue at the landfill."

I looked right at Fred and said, "You have known me my entire life. I'm a hard worker, and I wish you would have stood up and said this is wrong." Fred said nothing. He had the opportunity to chime in, but he chose not to do so. I just wanted him to hear me out. Was I upset that he didn't say anything? Not really as I hadn't really expected him to in the first place. I wanted to clear the air, and that's why I said it would be nice if we simply moved forward.

Later that month, I attended a Soil and Water meeting. Again I wanted to clear the air and get the letter of support that they had agreed to write on my behalf. I asked Dave if I had ever offended him or said anything that was false that would harm or damage his character. He said I had not. I asked if I owed him an apology, and he said I did not. I expressed my desire to bury the past and move forward, and he agreed. Rob said the same thing. When I addressed Fred to ask the same questions, he crossed his arms and said that I would have to put on "big boy pants" and expressed anger at the "stunt" I had pulled "the other night."

"What stunt, Fred?"

"The other night at the Town board meeting."

"Fred, I invited you there because I want to move forward, and I don't think that a county executive should determine who is going to be in business or not."

"That depends on who you talk to. You got what you wanted (the letter)."

My intention was to apologize, and Fred just acted like a jerk. I don't know why he disliked me so much except that I was not afraid to buck the system and call out those in power who wielded it like they were God. I just wanted to run a compost business, which seems like a really good idea!

## Entry #19

At the beginning of 2020, I set goals for my business and my purpose to land spread compost (put my dirt on organic farms) hadn't changed. The USDA organic standards hadn't changed in regards to a three year wait time to be considered organic. My dirt sits virtually untouched for well over that, so again I believed that I was in a good place to move forward. I attended a Seneca Trails meeting in January, and Dave Spann said that policies needed to change at the state level. I said, "The DEC was ticked at me because I invited them to Cathy Young's office." They agreed that the DEC was retaliatory (changed the delineation of my wetlands, made me move piles, drones on my property in the middle of the night, etc). My dad was on the board of the Seneca Trail, and I felt like this had become a conflict of interest for him where I was concerned because Fred was also on that board. Fred talked to my dad about me, and it made me uncomfortable. It hurt our relationship and caused more friction than usual, so that morning at the meeting, it was announced that my dad intended to resign. I was pleased to hear it, and thought it was about time.

On January 13, 2020, I mailed a letter to Assemblyman Andrew Goodell, Senator George Borrello, County Attorney Stephen Abdella, and the Chautauqua County Legislature explaining my method of composting and how I was poised to accept food scraps in conjunction with the Food Scrap Recycling Act. I included the letters of support that I had received from the Sherman Town board, Chautauqua County Farm Bureau, and Chautauqua County Soil and Water. I am always hopeful, and I really felt that with the passing of the Food Scrap Act, the law of New York would help me move forward. George Borrello did send a return letter outlining the timeline for the Food Scraps Recycling Act and offered to be of assistance in the future. By doing what? I had only asked for help multiple times, but at least he didn't ignore me. At the beginning of February, I sent a letter to the DEC explaining yet again my methodology for composting and asking if that method is an acceptable method of composting. I also wanted to know that if what I was doing wasn't composting, could they please explain to me what the end product was exactly. I included the staff at Cornell in the letter because they had been granted monies to study composting in a similar way. I wanted to let them know that I had been doing this for a long time, so they could most certainly come to my facility and study what I was accomplishing and save themselves some money.

In February 2020, I asked the DEC for a new delineation of my wetland boundaries because the old ones from 2013 were not accurate. Chuck Rosenberg said he would come out to my facility and complete a new delineation. He never did, so the maps were definitely not accurate. Dave Spann emailed Chuck on my behalf, and I also sent a video of my biggest dump truck filled to the rim driving over the "wetlands" in question. If anyone knows anything about wetlands, real wetlands, he would know that my truck should be stuck, not driving over it with no problems at all. Chuck kept delaying the visit, and he and Dave ended



up getting a little heated over the whole enterprise. Chuck finally responded in May that he had no intention of visiting my facility because of a lack of manpower, was satisfied with the Google Earth images, and Anne Rothrock's delineation from 2013 would stand as is. I wanted to be sure that I wasn't going to have to ever move any other pile again. I had a new bark pile that I was starting, and time was of the essence.

In the meantime, I had decided it was time to get legal representation. I made an appointment with an environmental lawyer in Buffalo, and once others "heard" that I had an attorney, the atmosphere seemed to change. People were taking me a little more seriously than they had previously. It was costing me a lot of money, but at that point, what did I have to lose? I had been cheated out of a business by my own county executives and was being bullied and ignored by the DEC. I felt at the time that I had a case, and that feeling holds true to this day.

In October, Dave and Rob agreed to do their own determination and send the findings to the DEC. Dave sent a letter to Chuck outlining that the wetland boundaries as outlined in Anne Rothrock's desktop delineation did not meet the DEC's own criteria based on the 1995 New York State Freshwater Wetlands Delineation Manual and the 1987 Corps of Engineers Wetlands Delineation Manual, the soils did NOT meet hydric criteria, and he had pulled soil from seven different locations. Dave even sent pictures to support his findings. Chuck agreed to discuss the situation with Efrat Forgette and Chuck Cranston. They did respond and set up a conference call with Soil and Water, but I was not included in that conversation. Everyone was always comfortable talking about me but never with me. It seemed like I should be part of the in-crowd, but I wasn't a good old boy.

In June 2020, *The Post-Journal* printed an article about how Chautauqua County was looking into selling to a third party the natural gas that was being generated at the county landfill rather than them trying to convert it to electricity themselves. As anyone who knows about decomposition, the materials in the landfill were naturally decomposing and producing gas. The county was looking to make a base payment of \$1,000,000 a year plus and so much per MMBTU (a measurement of energy) on top of that. Once again, the county was using the landfill as more of a money maker than anything else.

This was at the height of Covid, so all meetings at the county level were streamed rather than in-person, so I emailed the county legislature the following:

In Monday's *Post-Journal*, there was an article on a private facility being proposed at the county landfill and discussion of the flow control law. This is concerning because it eliminates any private sector competition. As you know, Slab City Organics has long had a business proposal that would have zero tipping fee; however, instead of working with a current Chautauqua County business plan, you have taken it upon yourselves to monopolize the "waste" industry and completely shut down anyone in the private sector through

regulatory capture. Why? Because you can. Why? Because you make the laws? Why? Because you see the golden ring of “possibly \$500,000.”

My question is - How does this coincide with the Food Recovery Hierarchy put forth by the EPA, the Food Donation and Food Scrap Recycling Act, the residents of Ellery, and the maintenance of Mother Earth? Isn't your foremost responsibility to help your constituents and be good stewards to the environment? How are the flow control law and this new methane plant upholding your responsibilities to all residents of Chautauqua County? Are you only concerned with eventually “possibly” earning \$500,000? When there is a business with a zero tipping fee that *also* eliminates organic “waste” and serves taxpayers of the county? Why not, when you have a business that is ready to go in *your* county, would you at least not share? As former County Executive George Borello stated, “There’s enough garbage to go around.” Yet, with the law you’re about to pass, there’s only enough for *you* because *you* are *taking control* of all of it. That means that it’s *all* going into the landfill. *Every last scrap*. This doesn’t need to be the case, and sadly you’re making a mistake.

Because of Covid, any communications to the legislature had to be read during their meetings, and that would include the above email. I had no problem with that, but apparently someone did because I got not one, but two calls that afternoon from Bill Ward who was my legislator at the time. Bill told me that he wanted to help me, but that email would not help my situation. He pressured me into agreeing to withdraw my email, but he promised that he would help me all he could. This was the first time anyone had said they would help me, anyone at his level. I hadn’t had a conversation with Bill before this, so I’m not sure who told him to call me or if he had any idea at all what I was trying to do, but I took him at his word and withdrew my email. Therefore, it was not read at that night’s legislative meeting. The powers that be were so pleased with Bill, they awarded him with the “Gold Star” award shortly after. They had gotten what they wanted, but I was hopeful that maybe I might have gotten something too.

Businesses were reaching out to me to take their organic material, but I wasn’t in a position to do it. I knew that the DEC was not on my side, the county elected officials were not on my side. I had to keep reminding myself that I only wanted to compost food waste, and it all seemed so silly to me that it couldn’t happen.

I invited Bill Ward to the Sherman town board meeting and read the email that I had sent to the legislature. I’m not sure why, but I guess I wanted it on record that I was questioning their motives for not allowing a little competition at the landfill. It was then that Bill said he had earned the Gold Star award because he talked me into withdrawing my email. I read a prepared statement about how with the new law, I was poised to see my business come to fruition, and I asked Bill to help me in front of a public body. He had promised, and I wanted that promise kept.

Bill kept his promise and facilitated a meeting between me and County Executive PJ Wendel in March. I knew that I needed to supersede the DEC, and I learned about Article 24 through my research. This article allows the local government to take control over flood plains (wetland), and the county could choose to do so. I was hoping this would be the case. On the day of the meeting, it was County Executive PJ Wendel, Bill Ward, Dave Spann, Bill Boria (water resource specialist for Chautauqua County), my cousin, and me. I had invited my cousin because she knew all the ins and outs of my situation having written a lot of letters for me in the past, and it's always good to have another set of ears, especially ones on my side. We all introduced ourselves, and Bill Ward took the lead and explained why we were there in the first place. I presented Article 24, which stipulates that the county can take jurisdiction over the DEC if need be, because the wetland issue wasn't resolved. I explained that the DEC wouldn't talk to me, wouldn't respond to any communications, etc. and Bill Ward said it was true and was indeed a problem. Bill Boria explained that he had spoken to Steve Abdella, the county attorney, and it's the landowner's responsibility to the DEC if there is a discrepancy to any delineation. I then said that it would cost me more to do the delineation than the land is worth. I wasn't going to get myself into that situation, and I knew that even after Dave and Rob had done their own delineation, the original findings might not get overturned. I showed everyone the maps and how inaccurate they were.

Dave said, "Greg's situation and problem is the 24 and 36 month stipulation, but when Greg gets registered, DEC would accept static composting as an acceptable method." Apparently, according to Dave, my first registration lacked the term "static composting" even though they knew that was exactly what I was doing. Why not just tell me I needed to word it that way? How easy would that have been? Besides, this was the first time I had heard that, and I was shocked. Again, people always talked about me but never with me. Dave did offer to act as a liaison between the DEC and me, which I appreciated. I had hoped for some sort of something from PJ Wendel, the sole reason for the meeting there in the first place, but he never interacted. He looked bored and uninterested. My cousin asked why we had a Chautauqua County business, Purina, taking their waste to the landfill when they could be taking it to Slab City and recycling it. She pointed out that it had become law to keep as much food waste out of landfills. No one disagreed, and the meeting just sort of ended with them suggesting that Article 24 wouldn't happen and without a peep from the county executive. He just got up and left. Literally nothing.

Meanwhile, Dave had still been in contact with Chuck Rosenberg at DEC to try to get him to visit my facility. Dave set up a phone conversation with Chuck, someone Dave had coincidentally worked and did delineations with years earlier. I had reached out to Dave that I would like to be a participant, but he and my attorney felt that it would be better and more productive to let them talk "shop" without me interrupting. I agreed, but I never felt comfortable knowing that people were talking about *my* business without *me*. They did

meet, and the discussion was productive, but Chuck still wasn't about to change his findings until he had a chance to see for himself. He was going to try to visit soon after the meeting, but if he couldn't, he would make it a "priority" in the spring. Yet another year of waiting, and it was my livelihood on the line. All I ever did was wait.

The night before their meeting, Chuck had emailed me at 10:30 PM and was questioning a "crossing." This was a road that existed long before I owned the property, but Chuck insinuated that I had put in the road. All I was doing was maintaining it as any landowner who wants access to property needs to do. Just another example of them nitpicking every little thing I was doing.



Video: Wetland Crossing A



As usual, I couldn't just leave well enough alone. I had been taking a lot of videos of my property at varying times of the year to show the vegetation and the amount of wetness or dryness as the case was. In October, I was still waiting for Chuck to come and do the new delineation, so I sent him an eleven minute video of the area in question. If he wasn't going to come to me, I was still going to show him as much as I could. I showed the soils and the hay cuttings and basically just the normal activity that happens on a farm. I was trying to give them as much information as possible with the hope that they would eventually overturn Anne Rothrock's delineation, and I would be able to use the entirety of my property. I felt I was being transparent and above board. I knew my own land better than they did, but I also knew that it was up to me to prove that this wasn't the wetland they designated it as.



Video: Non-Wetland vs Wetland



At this point, I should probably explain my views on what it means to be educated. When I was in school, I was always the last one taking a test and didn't get great grades. It made me feel stupid, but now as an adult, I realize that education takes many forms. Despite the fact that I was not at the top of my class, I was a leader at school. I dominated in so many other ways, so I knew that book smart wasn't the be all and the end all. When my brother graduated from college and returned to Sherman, he leased the farm from my parents. Mind you, I had been working there all the years he was gone, but he never once asked my advice; in fact, he was demeaning. He was never interested in anything I had to say. The reason I am sharing this is because I have been treated the same way for many years, and the DEC was no exception. I knew that I needed to educate myself to understand the rules and regulations, so that is exactly what I did. I was beginning to be able to ask questions that they couldn't answer because they didn't always know their own regulations. The matter of the wetlands was a perfect example of this. I learned that wetlands have certain characteristics, and my property did not have any of those. It was because of the education and growth of my knowledge that I knew I had to keep trying because I was getting a raw deal.

## Entry #20

In September of 2020, my dad and I were still at odds, but I was hopeful that he was finally putting my feelings ahead of his position on the board of Seneca Trail. His intention was to resign, and I was glad of that. I had asked more than once, and for the first time, he was thinking of me. We were still at odds, of course, because that was the nature of our relationship. I called him a “good ol’ boy” and said, “You’re no better than that spoiled brat, blockhead Fred.” They were cousins after all, so I figured the apple hadn’t fallen far from the tree. I expressed my frustration at how Chautauqua County was being run by people “like” him. He couldn’t exactly deny that.

We had beautiful weather that month, and my dad was helping my brother Mike fix his hay equipment and doing some of the hay raking too. He was always helping Mike. Always. Was I jealous? Maybe, but the relationship between the two of them was different from the relationship I had with my dad. Ours was always adversarial, and my dad was smart enough to say negative things to me when it was just the two of us. Had I told anyone, he would have simply denied it. Besides, what would have been the point in telling? It’s just the way it was.

So imagine my surprise when my dad showed up at my house that September. I was naturally suspicious because him helping me was a foreign concept. He dropped off an envelope, and it was dated 1978-79. I opened it and was shocked to find a photograph of my dad chopping corn that looked to be in the field behind my house, so I called him to see why he gave it to me.



My dad chopping corn in the disputed wetland area.

He told me that my mother had taken that for reasons unknown to him, and it had been taken in a field behind my house. In the picture, the corn is as tall as the cab on the tractor. Dad said, “Corn doesn’t grow that good in wetland.” It was then that I realized that field of corn was in the area of my property that the DEC claimed was a wetland. WOW! He was

supporting me. He wanted to help me prove to the DEC that they were wrong, and I was right. He wanted to help *me*. That hadn't happened in a long time, and I wish that I could put that emotion into words, but I simply can't. I cried.

I don't know what possessed my dad to bring me that photograph, but let's just say it must have been divine intervention because a month later, my dad passed away. He went into the hospital and was seemingly doing OK until his lungs filled up with fluid. He was holding on, but we all knew that he was dying. Because of Covid protocols, we weren't allowed to see him, but Mike talked to the staff, and they agreed to let us see him one at a time. When I saw him lying there, I thought about our past and how it didn't seem that long before where I had been riding on his back holding on for dear life while he pretended to be a bull. Here was this man with whom I had a very dysfunctional relationship, and he was leaving me. I held his hand, started crying profusely, and said, "Dad, I would like to start all over again with our relationship. We can get to know each other, laugh, and share good times. When you meet God, he will be the most powerful and loving being you can imagine. You will take one path or another. That judgment will be for all of eternity, Dad, and it's not too late for us. I will meet you soon enough in Heaven. I love you. I always have." I wiped the tears from my dad's face and mine, and left. I said what needed to be said, and I am so thankful that I had the chance to do that.

At the time, I was sure I wouldn't see him alive again, but he held on for a few more days, and our family took turns being with him. My wife and I were with him one evening, and my younger brother was going to relieve us at 7:00. At 6:58, I said my last goodbye. I took his hand and said, "I hope God takes you soon," and just like that, God did. My father took his last breath. The chance for me to be there at that moment was astonishing in so many ways. *Jesus loves me, this I know.*

I'm not going to pretend that my dad's death wasn't profound for me because it was. The fact that he died when I was there is not lost on me, but for all the hurt and regret, I also felt relief. My dad had never believed in me, and I never realized how much of a hold that had on me, making me doubt myself so many times over. I made my peace with him before he passed, and that is something for which I will be forever grateful, but I also felt a lightness that I hadn't felt before, and that was also something with which I've made peace.

## Entry #21

On January 15, 2021, there was an article in *The Post-Journal* explaining how the Village of Sherman was seeking an engineering grant in order to study the feasibility of building a composting facility. A composting facility in Sherman? What a novel idea. I wrote to the citizens of Sherman and explained that the government should not be competing with the private sector because it wasn't a level playing field. None of this was making any sense to me.

Meanwhile in the spring of 2021, a whole year later, I was still waiting for Chuck Rosenberg from the DEC to come and do a new delineation, and he and Dave Spann went back and forth a lot over a potential date. Chuck canceled numerous times and indicated that he felt a visit would be pissing away his time, and it was getting irritating to both Dave and me. In fact, Dave expressed to Chuck that this was the most unprofessional experience he had ever had with the DEC during his twenty-three years with Soil and Water. Chuck responded that if we were so "hell bent" on redoing the delineation, he would schedule a time, but Chuck claimed that he wanted to wait for certain grasses to flower. It wasn't necessary, and he was also requesting that I not have anything mowed until he could get there. It was interesting because Dave also included a DEC attorney, Maureen Brady, because he knew that the land wasn't meeting any of the criteria for wetland designation.

This was preventing me from allowing the farmers who rent my land from doing all the haying, and they weren't about to come back to do that one section. Plus, that was hay they weren't getting. Chuck was supposed to show up on May 21, 2021, and I made sure that a lot of people knew he was coming, but he canceled yet again. I had invited others, and they showed up, so I did a field presentation in which I showed them the supposed wetland. I parked my dump truck in the middle of the "wetland." To everyone who was present, it was obvious that the land is not wetland. My uncle attended that meeting, and after, he emailed Chuck to ask how when he had farmed that exact same land for years it could be considered wetland. Chuck explained in a reply that the "simple answer" is that a portion of my property "had been declared wetland because it is seasonally wet enough to meet the DEC's wetland hydrology criterion and support wetland vegetation." This is very difficult to prove from behind a desk, but that's exactly what Chuck was supporting even though it was 100% false. Another neighbor of mine also sent an email to Chuck indicating his assumption that I had been targeted and blackballed by the DEC and that politics should be taking a back seat to actual facts. Chuck must have surely felt the pressure, especially because of Maureen Brady's involvement, because he did actually visit at the end of May 2021. If Dave hadn't involved her, I might still be waiting.

On May 27, 2021, Chuck Rosenberg rescheduled his visit, and I did some brush removal in the area in question to make it easier to visualize the man-made ditch. I was very





Video: My neighbor Wade Williams 2021 field presentation



pleased that Bill Ward, who had kept his promise to me and acted as a liaison with the DEC, members of the Sherman Town Board, Gordy McCray, my uncle, and Wade Williams-one of my neighbors, were there to support me. Chuck showed up for his delineation, but he also brought a DEC enforcement officer to arrest me. That's how our meeting started. The two of them got out of their cars, failed to introduce themselves, and the first thing Chuck said was, "Ag areas have pretty liberal exemptions for farming, drainage, plowing, use of pesticides and don't need a permit." OK. Where was this going, and why did he need an enforcement agent with a pistol? Chuck went on to explain that according to Google Earth, there had been a lot of "activity in the forest area" which he considered a regulated area, and there could be "some enforcement action." This had to do with Chuck's insinuation that I had built a new road on my own property in a protected area.

Again, I had not done this. I just mowed the road that was already there. And, this was how this meeting was going to go? Chuck made it pretty clear that he did not want to be there in the first place, and yet here he was at Greg Rater's property, so he was going to make the most of it. I hadn't expected any of this, and neither did anyone else in attendance. I made it clear that I was just maintaining the road and as a property owner, I needed to do that in order to have access to all areas of my own land.



Video: Wetland Crossing B



I then informed Chuck that their own maps were so inaccurate that his wetland map didn't even include the tributary to French Creek. It seems to make sense to me to include the body of water in question. I was more prepared for this meeting than Chuck anticipated me to be, and I am so thankful that I was. As had been my practice for the previous few years, I was audiotaping the entire meeting. I asked Chuck if I was allowed to dump topsoil in the buffer zone with permission. His response? "Yes." I asked this because of being forced to move my pile years earlier at my own expense. Our conversation went as follows:

"You said I couldn't do any activity in the buffer zone - zero activity."

"Yes, without a permit, you can't."

"I've farmed it for years, and all of the sudden, I need a permit?" I knew that if they had just come years earlier when I had originally invited them, this all could have been avoided.

"We have not received a formal application."

"You increased Anne's (Rothrock) wetlands."

"No, I didn't."

"Yes, you did. I've got the map." At this point, because I was prepared for the meeting to go this way, I got the maps out of my truck.

Chuck said, "They line up exactly."

"No, they don't. Look. I wanted to make that point."

"It's a good point."

"It's the truth."

I asked about the buffer zone and material and whether it was a 50, 100, or 500 foot zone and explained that I had received the threatening letter and was made to move the one pile. I also told him that I wanted them to acknowledge Dave and Rob's delineation because after all, they are the soil experts.

Chuck said, "They didn't include the data sheets," so he clearly felt that Soil and Water's delineation was incomplete. He also explained that Anne had flagged that ditch because it was a swale and not a man made ditch. What? He presumed to know my property better than I did. It was the first time he's set foot on it.

"It's a man made ditch." I then pulled out the DEC's own manual which says, "If it's a man made ditch, most of the time, it's not wetland." Chuck conceded that there might be a ditch that goes down the center of it.

Mark Persons said, "Soil and Water is correct. Anne's delineation was complete nonsense," and he made it clear that the Sherman Town Board supported me. Chuck still tried to insist that Anne's delineation was correct, but my uncle stepped in and said he remembered that ditch was dug in the 1970s at some point because he and my dad were still farming that land together, but it was the evidence on the property in question that was the most convincing. When Ivan Barringer had dug that ditch for my dad and uncle, he pushed the dirt away from it (obviously), and that created banks. Those banks had topsoil on them, and trees had grown, which just naturally happens. Those trees still exist and are as big around as I can reach. They're huge. It was obviously man made, and I explained to Chuck that their own manuals say that they should ask the landowners about the history of their own properties. No one, and I mean no one, and especially not Anne Rothrock, had asked me any questions about my property. If she had, I could have easily explained that the ditch was man made, which would have made that exempt from a wetland designation.

It was at this point that Chuck retrieved his gear to do his own delineation. Gear? Anne never brought a thing with her except a measuring tool to mark out exactly 100 yards from the creek. Chuck commented that it was getting late in the spring season, and it had been dry, so he wasn't expecting to see any water. Well, perhaps if he had come when he was originally supposed to, he would have seen what he "wanted" to see (but not really because it isn't wetland).

"On April 1st, I went through here with a fully loaded dump truck."

My uncle asked Chuck what he was looking for and what needed to be present to be considered a wetland. Chuck said that wetlands have to have three things: plants, signs of hydrology, and hydrologic soils. I knew that according to the 1995 DEC manual, hydrologic soils are muck, peat, and mucky peat or peaty muck. Chuck did also say that was "sort of, not necessarily." Again, what? Do they not know their own manuals, or do they purposely have gray areas for just such occasions?

I explained again that my goal was to take food out of the landfill in the most sensible way and expressed my desire for us to work together for what should have been a common goal. He said he didn't see a compelling need for a new delineation, and that was required for it to happen. No compelling need? How about for over a decade I had been trying to use my own property to do something they claim is a priority? It was compelling to me, but he saw it as a waste of his time. It was all in Dave and Rob's report that portions of my property weren't wetland, and Chuck knew it.

He said, "You can go fifty feet into the one-hundred foot buffer zone if there's a need. Why do you need to go into the buffer zone?"

Chuck looked at the trees lining the "swale" and admitted that this parcel should be grandfathered in because it had certainly been there before DEC existed, and he agreed that it was a man made ditch. Finally!

My neighbor asked him, "Are you not allowed to maintain the roads?"

"Well, you can. Let's do some samples because Anne never did...There's not a single indication of hydrologic plants...Even though Anne was hired to deal with wetlands, technically, she's a wildlife biologist." So a woman who is not a wetland expert had been the one to decide my fate for years, and when asked to revise her findings, the DEC was reluctant? I had to go to great lengths to get this fixed, and it shouldn't have been an issue in the first place. To no one's surprise, Chuck found "no indication of hydrologic plants." Once this happened, Dave asked if Chuck would be OK with a one-hundred foot buffer (this was about the area in question, which was way beyond the one-hundred foot buffer). Chuck said he was and that if it made sense to bring in material into the adjacent area, he "could certainly authorize that."

Chuck said, "Greg's property isn't harming the buffer because it's a hayfield. With Anne's delineation, there doesn't seem to be a connection to protecting wetlands...good for

the habitat, etc...the trees are there, so clearly it's been there a long time. There's not a whole lot of functionality. Ditches are not a part of the definition of wetland. This type of wetland, I usually exclude. Even though Anne called it a wetland, it clearly isn't. Wetlands have to rely on each other, whatever that means." He then said his recommendation would be that the DEC would not take jurisdiction over the area in question. Finally! I had to go to great lengths to get Chuck to my facility, and Dave had to go over his head, but the fact that he had finally seen it for himself should have made him understand why I had been trying for so long to get this overturned. I knew my land because it was mine and had been for years. Years before that, it had belonged to my dad, so to say that I knew it better than them is an understatement.

Chuck had also mentioned an old trailer deck that I had put over the creek at a right of way that existed long before my father even owned the property. I had put the deck there so my grandson could safely cross the creek on his minibike to get to the other side of my property. I put it there to keep him from going on the road because it was safer. When Chuck mentioned it, I told him that I could remove it if it was a problem, but he said not to worry about it, but he would talk to Maureen Brady about it. I also had a nagging feeling about the trailer deck over the creek, so I took it out even though I knew that the landowner owned the land on either side of the creek and the land under the water. I hadn't seen it as a problem because I was in no way disrupting the water, but it didn't take long for that other shoe to drop because a short time later, I got more letters from the DEC.

## Entry #22

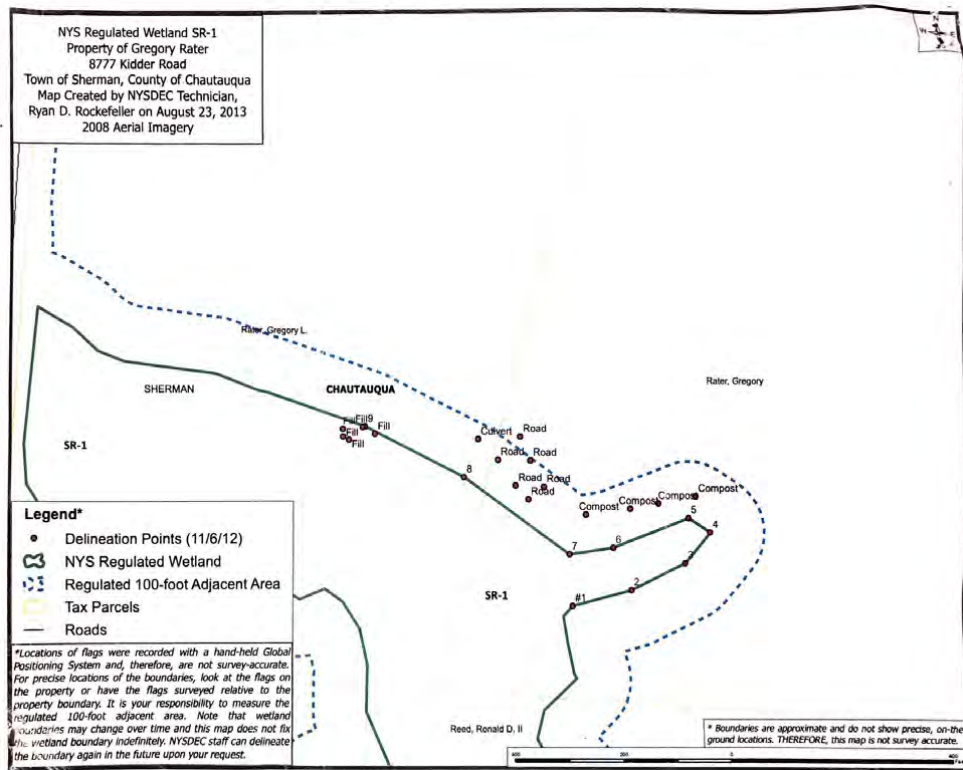
Even though I had seemingly received good news about the wetlands, I still felt like I needed to proceed with caution. I had been down this road many times before, and paranoia had become part of the game. They had recently changed their regulations, so it was possible for me to accept 5,000 yards annually, and now with the overturning of the wetlands, I had the room on my own property to expand and add one more giant pile, with the hopes that this pile would be partially made up of food waste. Because of my hesitancy of jumping back into bed with the DEC looking over my shoulder at every turn, I re-parceled my land so that the seven acres of land the piles were on would be their own entity. It was strictly for composting food waste because I knew I needed to protect the rest of my property and business, so if the DEC was going to have jurisdiction over my facility, it wouldn't be the entire facility. I felt this was just simply good business sense.

I did receive a follow up email from Chuck Rosenberg stating that the area in question would be excluded with the mapped wetlands, and the DEC would not maintain jurisdiction over that area, but he also mentioned that there were some "unauthorized activities" that needed to be addressed, namely the trailer deck over the creek, which I offered to remove and he told me not to worry about, and the clearing that I had done to prepare for their visit, which I had done so they could actually see the ditch. It always seems like there is a "but" every single time I deal with the DEC. I was excited about moving forward, but there was still that nagging feeling that something was going to prevent it from happening. In his defense, I was satisfied with the new delineation from Chuck (image 18). I always tried to play nice, so I emailed Chuck a thank you note letting him know how much I appreciated his visit, my satisfaction over the new delineation, and my plans to move forward.

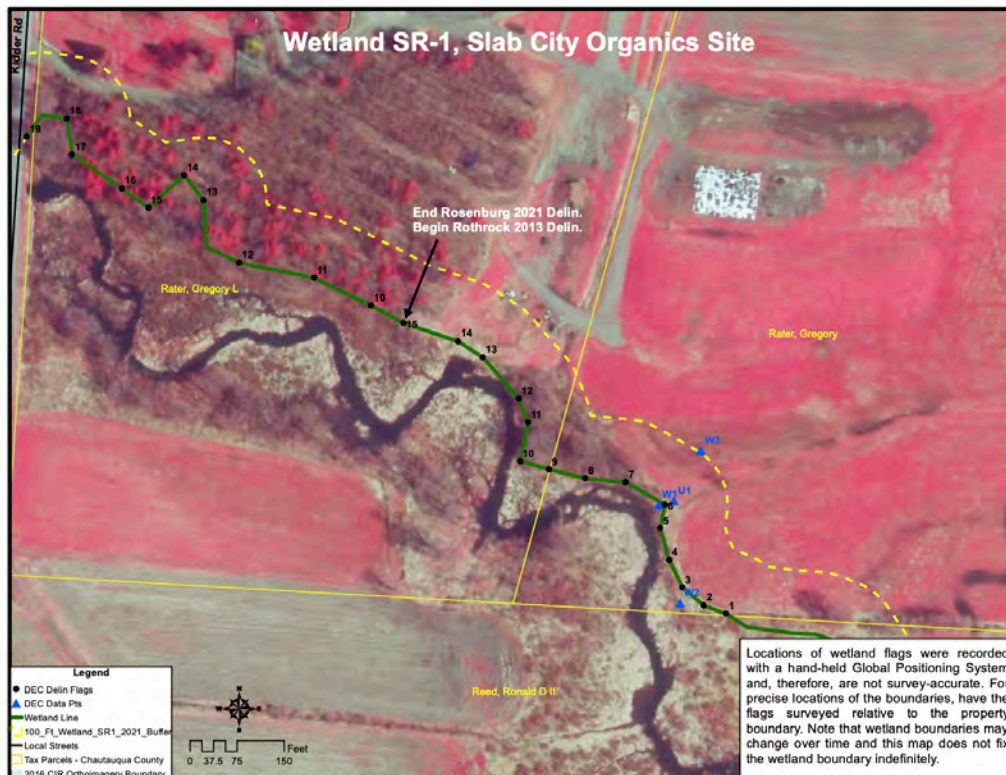
Dave Spann had agreed to help me with the permit for re-registration, and I wanted to make sure that there were no semantic issues this time around, so on June 10, 2021, I emailed Efrat herself and asked if "Static Pile per long-standing process with goal of organic certification" would be acceptable. She replied, "That sounds fine! Thanks for asking." I had scanned that part of the application with my email, so she could see for herself exactly what it was going to look like. Dave also emailed Efrat a few days later just to double check on the wording. His email to Efrat:

Hi Efrat,

Greg Rater is concerned that his process of anaerobic static composting is not currently recognized by the DEC in the registration process. Under number 5. Composting facilities, it seems to me that his processes would in fact recognized [sic] as composting by DEC when I reviewed the examples as part of etc.. Would you be able to clarify if the process of anaerobic static composting would be an excepted [sic] process by DEC prior to Slab City submitting the registration?



NYS regulated wetland delineation points from August 23, 2013. Protruding sections 2-6 are the area where my compost pile was and had to be moved out of their 100' buffer zone.



New NYS wetland delineation issued June 2021 eliminates the protruding sections noted in 2013 delineation.



Video: Three year chemical free organic standard



On June 16, 2021, I again emailed her because we were still waiting to hear from her. I attached a video explaining how I had been utilizing my method of composting very successfully to achieve my three-year chemical free Organic Standard for the previous twenty-five years. She responded the very same day to Dave and told him that the DEC would “register the facility as described!” I also

received a letter from Chuck that day which explained the new delineation of the wetland and included a new map as per our meeting. I was beginning to feel hopeful again because the obstacles that had been thwarting me were being removed.

On June 21, 2021, the other shoe dropped. I received a Notice of Violation from Chuck’s office explaining that I was in violation of disturbing the wetland on .5 acres of my

property. The violations put forth were the trailer decking, which I had said I would remove, and, in preparation of my meeting with Chuck, the clearing of some of the brush around the area of “wetland” they had just said wasn’t wetland and protected. This violation said that my failure to adhere could result in a penalty not to exceed \$2,500 plus an additional \$500 *per day* for *each* violation. As far as the trailer decking was concerned, I took it out immediately after he left because I just knew I was going to get flagged for that, even though it was my understanding that the landowner has ownership of the land around and under the water. The water itself falls under the jurisdiction of the DEC. That trailer decking wasn’t interfering with the water in any way. My response to this Notice of Violation? I ignored it, and they never sent me another letter regarding this issue. My question was, why do it in the first place? Chuck knew why I had cleared the brush, and I explained the trailer decking. I could see no other reason than perhaps to just remind me who had all the power.

With Dave’s assistance, in the summer of 2021, I submitted the paperwork to get registered again. I included the new parceling of my land to show that the area where I had planned to compost food waste was its own plot. Again, I didn’t want any hassle for my entire property where I was still conducting my day-to-day operations. I got the registration as I had written it, and I called Bill Ward to let him know. He was very excited and asked for a press release because he thought some positive press might speed things along. I did as he asked, and it was in the newspaper (image 19). I made sure to include the NYS Food Donation and Food Scraps Recycling Law that was about to take effect in New York in January of 2022 because I was convinced that once the law was in practice, the Chautauqua

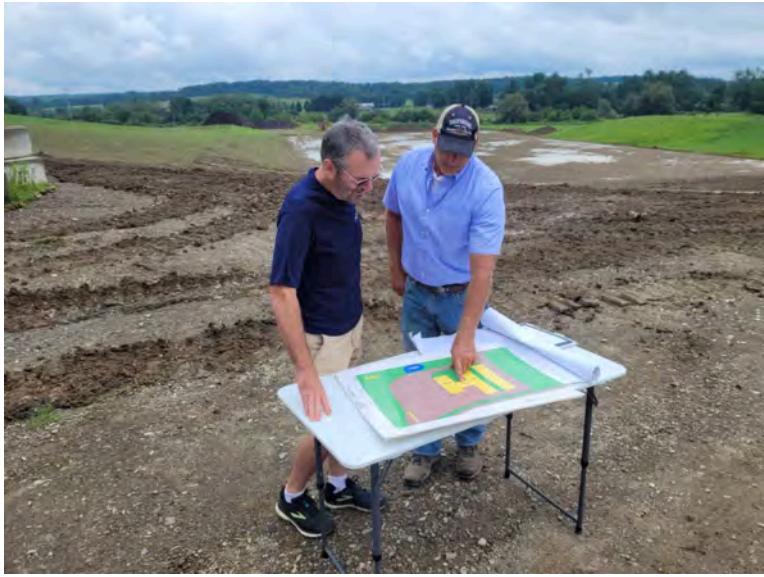


Image 19: Legislator Bill Ward looks over Slab City Organics plans with owner Greg Rater, as pictured in the Jamestown Post Journal article on September 18, 2021. Ward commented “This is huge news for Chautauqua County and for the future of organic recycling in New York State. We are optimistic that Slab City will be able to fill some needs long lacking in this area. It was great that the community rallied around Greg, and it was due to his tenacity and tireless advocacy for a greener process that we were able to get this done.”

County Landfill would have no choice but to stop accepting as much food waste as possible. Bill was so delighted to have actually helped a local business that he included that as one of his accomplishments during his reelection campaign.

On August 17, 2021, I sent Bill a copy of my new registration, but I pointed out that the DEC timeline for organic material was still twenty-four months detention time. This meant that any organic material had to be moved from a facility within the twenty-four month timeline. I had been registered as a static composting facility. I’m not sure what part about the word *static* they didn’t

understand or what aspects of my process were hard to grasp, but I knew that there was no way my material would be organic dirt in two years. Their own regulations stipulate that for something to be considered organic, it had to lay for three years chemical free, so this was definitely contradictory to the USDA requirements of certified organics. I asked Bill to reach out again as my liaison because no one would ever respond to me. I also included the definition of unaerated static piles (passive composting) that came directly from Cornell University Waste Management Institute. According to Cornell, “This method takes longer than other methods, but is very effective.” This is what I had specifically asked Efrat about multiple times to make sure we were all on the same page, and here was my registration saying I had two years. I usually waited four to seven years. Yes, it was effective, but more importantly, it was *cost effective*. I was doing this and had been doing this all at my own expense. If I had to use my own equipment and manpower to move my piles, I was going to have to price my topsoil so high, no one would buy it, organic or not.

As per usual, I attended the September 2, 2021, Town of Sherman board meeting to let them know that I had gotten a new registration and was finally being recognized as a composting facility. I always wanted to be open and honest about what was happening with my business, and I felt I owed it to them to keep them in the loop. In addition, I asked that perhaps they look into some type of grant for which I might be eligible, so I could eventually



put up a dry composting building on my property. On September 17, 2021, I received a copy of the validated registration, which was actually effective on July 22, 2021. The letter clearly stated that I was not exempt or precluded from complying with any other “applicable federal, state, or local laws, rules, or regulations.” Because I was then considered a registered facility, the regulations state, “The windrows must be turned a minimum of two times per year” for “either processed or unprocessed” material. Turn the material two times per year when they knew what I was doing was static composting? There were no exceptions for my method, Mother Nature’s method, so I was basically right back at square one. If I had to turn the material, especially after selling my windrow turner, I would never make any money at all. In addition, the regulations clearly stated, “The maximum detention time, from material acceptance to distribution, is 24 months.” Again, this does not recognize the static method of composting, which Efrat and everyone else knew was how I was composting.



Dave Spann and Legislator Ward talking about 24 month retention period.

I expressed my displeasure with the DEC to both Bill Ward and Dave Spann. Bill reached out to the DEC, and basically he and Dave told me that the DEC knew exactly what I was doing, knew that the retention time was an issue, wanted me to go ahead and do it anyway, and they would turn the other cheek. Turn the other cheek until I made someone mad. Then it potentially could be simply to shut me down at will. Did I want to put my faith in “turn the other cheek” after everything that had happened? They refused to put anything in writing, even though they had the power to do so. In response to this, I knew that I wasn’t about to move forward without some protection. I had purposely wanted all of us on the same page to avoid this.

The Sherman Town Board wrote a letter to Senator Borrello, Legislator Goodell, County Executive Wendel, Legislators Marty Proctor and Bill Ward expressing their support for my business and asking on my behalf to eliminate the twenty-four month retention restriction. Meanwhile, Bill Ward lost his election, so I felt that no one at that level was in my corner anymore. I appreciate everything that Bill did for me during his time in office. He actually did try to help me. He showed up, made calls on my behalf, went to bat for me

against the other legislators, and more. No one else had ever done that, but Bill believed in what I was doing and knew that it was the right thing to do. He noted in his re-election campaign that he “spearheaded an effort to restart an organic recycling facility in Sherman after almost 20 years of bureaucratic failure.” One of our own County Legislators recognized the struggles I was experiencing. Executive Wendel also wrote to the DEC requesting that they grant me a waiver to the twenty-four month retention period. Borrello and Goodell did respond to those letters at the end of December 2021. They both said that a *registered* facility must fully comply with the DEC regulations, but a *permitted* facility is allotted more flexibility when it comes to retention time. Their suggestion was for me to become a permitted facility. I couldn’t believe it because I had been a permitted facility in 2013 and 2014. If the DEC, who knew full well what my intentions were, had just told me exactly what to do, it would have been easier. It’s just a game of back and forth. What could have and should have prevented this would have been for all interested parties to sit down and discuss *exactly* what I needed to do to move forward. Meanwhile, I had written to the DEC and sent letters of support from the Town Board and Executive Wendel asking for a waiver for the twenty-four month retention period. I knew that, according to their own regulations, “On-site storage of a product is limited to 24 months, *unless* approved by the Department *on a case-specific basis.*” They could have granted me an extension of that rule anytime they wanted to, but they simply didn’t want to, and I didn’t believe that they ever would. Another year had come and gone, a new law was in place to keep food out of the landfill, and I was no closer than I had ever been.



Images 20-23: Expansion site-work for future compost building



Image 21



Image 22



Image 23

## Entry #23

In 2022 the new Food Scrap law had gone into effect, and Chautauqua County had no plans to keep food waste out of the landfill, and I had been doing some research on the county landfill. I realized that in fact, we had the opposite problem - Chautauqua County has a garbage addiction. Our landfill rates were \$30/ton for municipal solid waste. Our closest competitor was Waste Management landfill in Erie, PA, whose rates were \$97.36/ton for municipal waste. A semi is legally allowed to haul twenty-five tons (80,000 pounds), and our landfill charges \$750 for twenty-five tons. Waste Management charges \$2,434. For out-of-state companies such as Pro Waste located in Erie, PA, it's a no-brainer to travel an extra eighty-eight miles round trip to our landfill because it's a savings of \$1,684 for every twenty-five tons. In addition, the current average trucking rate is \$2.50 per mile, so it will cost a company \$220 for the extra trucking to our landfill, but even after this cost, it's a savings of \$1,464 for less than two hours travel time. This equates to an additional \$16.63/mile profit for Pro Waste. I can't tell you how many of their trucks I pass on the road on their way to our landfill, and why wouldn't they bring their waste here for a savings like that? They don't even pay extra for being out of state. Our landfill is accepting and filling our landfill with 325% more garbage/toxic waste than the nearest competitor and not charging them any extra to do so. Why? Because we're apparently in the garbage business.

I drafted a letter that I shared with the Sherman Town Board about Chautauqua County's garbage addiction and explained how the material in the landfill was not decomposing the most natural way because it was sealed off and oxygen was cut off from the process. Despite this, decomposition still occurs and creates methane gas, which is also something our landfill sells. I was asking to please set some common goals that would take some foresight and leadership to sustain the next generation. I thanked them for supporting my endeavors and having the foresight to do so despite the cash cow that is the county landfill.

I was feeling defeated, like I was back at square one, and no one was on the same page. On February 16, 2022, I attended a Soil and Water meeting to remind them that their entire reason for existing was to protect the soil and water in Chautauqua County. I was literally an organic soil farm, and I believe in composting. I explained my registration and how the DEC wanted me to be permitted and how I was going in circles chasing my own tail when it came to dealing with the DEC. I just wanted all interested parties to talk with me instead of about me. Lisa Vanstrom, who was attending via Zoom, said that the way I was registered made me ineligible for a waiver. I explained that I had run it all by Efrat before sending the registration, and she had approved it as is. Lisa told me that even if I were eligible for a waiver, they wouldn't have given me one anyway. If only the DEC would simply have a face-to-face conversation with me, all of this red tape might have been avoided. Lisa

said that we had a conversation years prior, and I reminded her it was in 2012 in Cathy Young's office. She laughed, and said, "I remember I was young, younger." The others joined in her laughter. I didn't see anything humorous about any of it to be perfectly honest. This was my life's dream, and they were making fun of me.

I said, "What I'm doing is composting by the natural process, and I've never harmed the environment or gotten a complaint from my neighbors. It's economically feasible to compete with the landfill."



Audio: Organics is Bullshit



Lisa's response? She asked me to sit down because she didn't like the angle of the camera. She told me it was "very inappropriate." I guess the camera was facing my groin. Again, everyone laughed. It was all just a joke to them.

I tried to redirect back to the topic at hand and said, "I've been doing this for thirty years, and I'm not any closer to composting in this county than I was a long

time ago. I mean it's not a laughable matter anymore. I'm just composting by the laws of nature, not hurting anything or anybody. I'm just trying to do something good."

Lisa asked why I needed to have the twenty-four month waiver and not just simply move my piles in two years. I tried to explain that nature just didn't work that way, and I wanted a three-year chemical free soil. Again, she asked that I do it in two years. Again, I said nature didn't work that

way. She said she was confused. Clearly. I explained that if the DEC would simply just sit down with me and have an educational, calm conversation, I could make the case for the thirty-six month waiver. Lisa interrupted me again and said, "The word *organics*. You know what *organics* means to me? BULL SHIT!" They all erupted in laughter again. I couldn't help but look at Fred Croscut just laughing away at Lisa's *funny* joke and realized then and there that they had been laughing at me for a very long time. I said, "I don't make the rules, guys" and gathered my papers and left the meeting.

In April, I reached out to the DEC again asking if they would please follow up with my December request for a waiver. I explained my method of composting again and even pinpointed the regulation in question. I included the December letter just in case they were confused. I wasn't anticipating a response, but I wanted them to know that I wasn't simply going to just go away.

In May, the DEC proposed new modifications to the state's waste management governing rules to "further reinforce and protect public health and the environment by changing how the state can regulate different types of waste and how they are repurposed and recycled." Rick Clarkson from the DEC's Division of Materials Management said the

changes “...are all pointed towards protecting the environment and making sure that only waste that goes to the landfills or combustors needs to go there.” Hmm. I was certain that the Food Scrap law was already doing this very thing, and I was also certain that none of this was on the radar of Chautauqua County. They didn’t want to limit the stream of waste going into our landfill and in fact wanted to increase and monopolize it with their flow control law. I wrote a letter to the DEC Division of Materials Management and asked why Chautauqua County didn’t have to abide by any of these rules. Again, I wasn’t expecting a response, but some action and enforcement of their own policies would have been nice. Those in charge can play by their own rules, but I wasn’t part of the good old boys’ network, so I was expected to follow the rules even if they made no sense.

In July, I shared the information about our garbage addiction with Marty Proctor, who had replaced Bill Ward as my legislator, and Pierre Chagnon, legislative chairman, and just like with Bill Ward, Marty told me that I couldn’t say all of what I wanted at the legislature meeting I attended on July 27, 2022. Again, someone had told him to keep me quiet, but why? Did they not want attention brought to the fact that we weren’t following the new Food Scrap law? This is what I ended up saying at the legislative meeting:

My name is Greg Rater from Slab City Organics in Sherman, NY. My comments here tonight have to do with Chautauqua County having a garbage addiction. As many of you know, our county landfill accepts 1800 tons a day of municipal solid waste which includes but is not limited to food, paper, yard trimmings, etc at \$30/ton. The Food Scrap Law in NY specifies that any compostable material be put in the landfill **as a last resort**.

Chautauqua County has no plans to follow this law. In fact, your own flow control law goes against the Food Scrap Law. It actually puts **more** material into the landfill and has created a **monopoly** of the garbage industry.

This would be one thing if it benefited private businesses, the residents of Chautauqua County and specifically the residents of Ellery, but as you know, the residents of Ellery are none too happy about having a garbage mountain in their backyards and another one potentially on the horizon once this one is filled. We all pay \$30/ton, which to some may seem like a bargain. It certainly is for Pro Waste, a garbage business in Erie, Pennsylvania.

Instead of paying the Waste Management landfill, **their neighbor**, Pro Waste, has been hauling their waste to **our landfill**. Waste Management charges \$97.36 per ton as compared to our \$30. To keep this in perspective, to haul in 25 tons equivalent to a semi-load of waste to our landfill, it costs \$750. If Pro Waste were to take that same load to the Waste Management landfill, it would cost them \$2,434. That’s a three to one ratio and saving out of state garbage collectors approximately \$30,000 per day.

It's smart business for Pro Waste, but too bad Pro Waste doesn't pay taxes in Chautauqua County or employ people here. Pro Waste is but one example. Yes, we are getting \$30 a ton, but this leads to other questions. Why are we accepting out of state waste? Why do out of state companies pay the same as Chautauqua County residents? Most importantly, why are we not trying our best to follow the law and keep compostable material out of the landfill? What is your plan moving forward to follow the law? Let's make recycling a priority in Chautauqua County because ***it's the law***. Sounds like an addiction to me.

I wanted them to know that I was paying attention. I wasn't allowed to have food scraps, but the reason seemed pretty simple to me - the landfill was a money maker.

I knew I was making good dirt, but Soil and Water let me know after an inquiry that soil itself is not classified as organic. This makes no sense to me. A plant that grows on land that has been chemical free for three years is considered organic, but the very same land itself technically isn't? New York had legalized cannabis in 2022, and I knew that many would want to get permitted to grow it. I also knew that it would be heavily regulated, so what better way to start than with organic dirt? New York might not think that soil could be classified as organic, but I certainly did, so I reached out to Governor Kathy Hochul and explained the quality of my dirt. I also implored her to extend the twenty-four month retention time to let the natural process happen. My thoughts? "Organic cannabis is safe cannabis." If people were going to grow it, why not? She did respond in August of 2022 that she and her team would review my concerns and follow up. As of the time of this writing, I'm still waiting.

I had gotten an email from Courtney Domst, a planner for the Chautauqua County Department of Planning and Development, asking me to speak at a meeting for Moving Forward Together, a collaborative that had launched Western New York Regional Food System Initiative (WNYRFSI) that sought to improve the viability, resilience, and wealth-creating opportunities via a strong food system. Obviously, people were aware of what I was doing because of articles in *The Post-Journal* and by word of mouth. One of their priorities was to help people learn to grow their own food. This was and always has been a goal of mine as well. Where does that process begin? It begins with good soil. Part of my original business plan was to have an educational component in which I taught people how to grow food because I see that as one of the main purposes of good soil, and good soil is what I had been "making" for many years by simply letting nature do her thing with the ingredients I was mixing. Chautauqua County's food scraps were still going into the landfill. My philosophy was "Feed the Soil and the Soil Can Feed You."

What's really interesting about Moving Forward Together is that former Senator Cathy Young is a member of their Regional Advisory Council. She knew exactly what I was doing, and that is exactly the same thing as the goal of this organization, and yet, I was

being impeded. Every time I took one step forward, I was made to take three steps back. Here it was three quarters of the way through 2022, and I was no closer to being able to accept food scraps as before, and it IS THE LAW!

In September of 2022, *The Post-Journal* published an article about the landfill having enough room for future waste for at least fifty more years. There is a lot of methane gas being generated, but Aaron Gustafson, deputy director of Public Facilities, Division of Solid Waste, said, “We’re not in it to make huge profits.” Gustafson also wondered that if once the landfill is full, “...society will do things differently with its waste by then.” My frustration with the county’s lack of long term thinking is immeasurable. Why do we need to kick the can down the road? Is the plan to wait fifty years and worry about it then? We need to be a good steward environmentally and economically *now*.

I finally got a response from the DEC regarding my request for a waiver. They suggested that I apply for a permit because a “permitted facility may apply for a variance from requirements.” Once I was permitted, they would then review the request. Efrat knew exactly what I was doing, and they all knew exactly what I was doing, but they were just keeping me on that hamster wheel, running and running and staying in exactly the same place. They had told both Dave and Bill to let me know that I should just go ahead, but I wasn’t about to do anything that would get me shut down or worse yet, bankrupt me. They weren’t willing to put anything in writing, and they continued to tell me the same things over and over. I was at the beginning *again*.

The DOT sent me a letter in October. Not surprisingly, it was a letter asking me to remove one of my Slab City Organics signs. I had thirty days to remove it or else I would be charged for the removal. It’s okay for them to give me a deadline, but they can ignore me for years on end.

In December, I received a letter from the USDA, and based on information I sent them, they said that I was “actively engaged in farming.” I was! I have a soil farm. But, what I really wanted was to take what I was already doing and make it better. By accepting food scraps, I would be able to make different kinds of specialty mixes for growing. Not only was I not allowed to do this, but in January of 2023, New York gave the green light for human composting. *HUMAN* composting? I couldn’t compost a head of lettuce or Purina’s scraps in the way I had always composted, but people can compost other *people*? How is any of this sensical?



## Entry #24

When I was fourteen years old, I helped my dad move a manure pile that had sat for four years. Only it wasn't a manure pile; it was rich topsoil. On that day, I told my dad that we should be composting and making our own nutrient rich topsoil. I'm now almost sixty, and I still believe in the idea from my fourteen year old self. I have succeeded in making a good living making organic topsoil, and I've worked really hard. That's all OK, but it could have and should have been better. I recognize a need to change the way Chautauqua County handles its waste. We are dumping everything into our landfill, and it isn't necessary. When Greg Edwards said to me, "We don't want a business like yours in Chautauqua County," I should have listened and maybe given up right then and there, but I didn't. That simple fact has caused me years of grief and affected my health and some relationships, but I have never wavered in the convictions of what I'm trying to do. We *should* be composting. We *should* be keeping as much out of our landfill as possible. We *should* be working together to make this happen. We *should* take action now for a sustainable future. We *should* be keeping as much food waste out of our landfills because it's the law. We *should* be forward thinking. Unfortunately, we aren't doing what we *should* be doing.

At the end, I knew I needed to get my story on paper, and there are many reasons as to why. Firstly, I did it for myself. I have over thirteen pounds of paperwork in boxes, and it was a story waiting to be told in one place that is hopefully easy to understand. Quite simply, it's my story; it's my life, and I need to heal and move forward.

Secondly, I wanted others to know that the bureaucracy that is the government, whether it be local or statewide, is difficult for the common person to navigate. I have gotten the run around for the last thirty years. I have tried without success to get people who could have possibly helped me in one place at one time. It never happened. They were content to talk about me without me, and to be honest, that seems unethical. All I ever wanted was to do something good, and if we could have all, just once, been on the same page, maybe it could have happened. The DEC is all powerful, and the only oversight they have is from the governor's office. I tried that route, but no governor really cares about Greg Rater trying to compost in Chautauqua County, the farthest away county from Albany in New York. I understand this and accept it, but what I don't accept is the fact that is my only recourse. There needs to be a non-partisan grievance board where someone like me can complain about a delineation or twenty-four month retention time or an armed DEC officer showing up with Chuck Rosenberg to intimidate me or a high-tech drone on my property at 3:00AM. I educated myself to the point that I know I know more than many at the DEC, but it doesn't matter because I'm just me.

Thirdly, I hope that Chautauqua County doesn't continue to kick the can down the road for our future generations. Keeping compostable material out of the landfills is

something that the DEC claims to really want, but then why aren't they working in tandem with people like me to make it happen? We can't say it's a priority and not really make it one.

Fourthly, I still have hope that someday Mother Nature's natural composting methods will be embraced and someone can compost the way I really wanted to and accept food scraps. People are encouraged to use their own food scraps in their own little compost piles in their own backyards, and there is no reason that I shouldn't be doing this on a large scale.

Lastly, my story is a simple one, but others have complicated it. Maybe telling it will help others who have experienced their own issues with the DEC, regulatory capture, or unreasonable government regulations to realize they are not alone. We all have our own stories to tell, and maybe together we can change things.

“Well you may throw your rock and hide your hand  
Workin' in the dark against your fellow man  
But as sure as God made black and white  
What's done in the dark will be brought to the light”

— Johnny Cash

## **Acknowledgments**

As I walked through the storms of life, God has always brought shelter in many different ways, both seen and unseen. I want to give thanks to my cousin, Laura (Laurie to our family), in a big way for helping me get my story on paper and always believing in me. I want to give thanks to my pastor, Doug Kibbe, and The Rock church for leading me in my spiritual walk, which has grounded me more than words can express. I want to give thanks for the Chautauqua County Sons of Liberty Riders for their never ending support and belief that we should protect and defend the Constitution. I want to give thanks to my beautiful wife, Sherri, who I love more than I ever thought possible. Finally, I want to give thanks to anyone who takes the time to read my journal and understands that I always tried to do the right thing. It hasn't always been easy, but it has been interesting. Please feel free to reach out to me with your own stories because if anyone would understand, it's me.

I unequivocally cannot support the DEC Region 9 mission statement. It will not recognize and has diminished through 'regulatory capture' the acknowledgement and process of the natural state of nature. I Greg Rater unconditional believe that this is an environmental injustice.