

## Hundreds protest DEC Siting Plan at Lew-Port

by Terry Duffy

They came, they spoke, and then some.

The much-anticipated public forum on the state Department of Environmental Conservation's draft Hazardous Waste Siting Plan drew standing-room-only crowds to the Lewiston-Porter High School auditorium on Thursday, where DEC officials heard intense outcries of opposition from the dozens who spoke.

Scheduled to begin that evening at 6 p.m., the forum started 10 to 15 minutes late to allow for crowds numbering well over 800 to fill the entire auditorium complex and spillover into classrooms and the high school cafeteria where additional seating and TV monitors were set up. Emotions were running at a fever pitch that night on this, the second scheduled forum by DEC on the highly controversial Siting Plan proposal which carries major significance for Lewiston-Porter. And as to be expected, the half-dozen DEC officials on hand that night did not hear a positive word on the Plan from any of the 35



State Sen. George Maziarz had strong criticisms for DEC in his remarks at the Lew-Port Siting Plan forum. (Bill Angus photo)

speakers who appeared over the course of the next four-plus hours.

Following opening remarks by Debra Aldrich of the state DEC division of Hazardous Waste materials on the specifics of the Siting Plan proposal, the tirades began in earnest.

### Maziarz Blasts DEC

State Sen. George Maziarz, who along with Assemblywoman Francine DelMonte have been among the most critical of the area state representatives on the Siting Plan issue, opened by blasting the DEC.

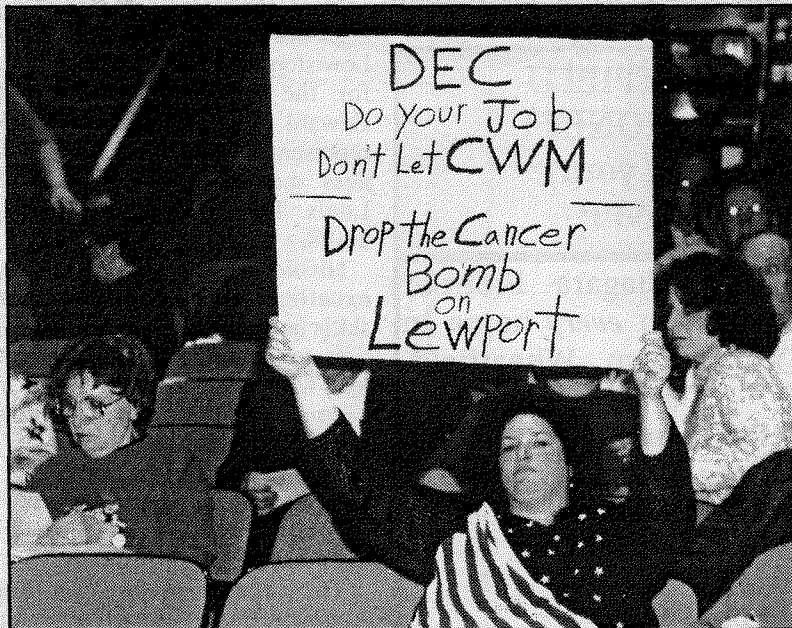
"This plan is an insult," shouted Maziarz to roaring applause. "It is an insult to the intelligence and history of the people of Porter, Lewiston, Youngstown, Ransomville and the other impacted communities of this region."

Indeed it is. As spelled out in numerous pages of difficult-to-understand wording, the draft Siting Plan, years overdue from state and court-ordered directives for DEC to develop an equitable siting proposal, fails miserably for the Lewiston-Porter residents.

Maziarz recalled the efforts of the late state Sen. John Daly who sponsored legislation in 1987 calling on DEC to produce an equitable plan, DEC's half-hearted response with the 1993 document, and the 1994-95 legal efforts which led to an order on DEC by State Supreme Court Justice Joseph Mintz for DEC to reissue a new plan "with all deliberate speed."

That "speed" came 15 years late as DEC completed the new draft Hazardous Waste Siting Plan in November 2003. DEC's Aldrich explained in opening remarks to the audience the focus on DEC with regards to haz-waste facilities sitings, which had changed from that of state capacity to that of national capacity. She told the audience that determinations from the U.S. Environmental Protection Agency found adequate national capacity, and resulted in DEC's development of the latest Plan which in essence removed the equitable regional geographic distribution specifications on facility placement which were part of the earlier state and court orders. As a result the return

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Residents vent their frustrations to DEC on the Siting Plan and their lack of concern for Lewiston-Porter.

## DEC gets an earful at Lew-Port session

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of the state Siting Plan focus on Lewiston-Porter as a hazardous waste storage location.

"The DEC continues to twist the law's language in order to come up with the same conclusion -- keep landfilling hazardous waste, and keep dumping it in Porter," Maziarz said. "What was disappointment and strong criticism 10 years ago, has grown into citizen anger, bitterness, suspicion, outrage, and organized communities that are of one mind: to not let this plan stand. I am standing with them," he declared to thunderous applause.

### Deficiencies

Maziarz then outlined to DEC reps the many deficiencies he saw in the Plan. These include failure of the DEC requirements to:

- establish a schedule for siting new treatment and disposal facilities;
- identify the number, type and size of haz-waste facilities;
- emphasis on the equitable geographic distribution of facilities;
- a schedule for phasing out haz-waste disposal by landfilling;
- focusing on the issue of promoting waste reduction;
- establish a public participation process and education program which addresses the Siting Plan issue;
- and directives on DEC to consider the environmental justice factor on equitable locations with regards to populations, race and economic impact of communities under consideration for haz-waste sites.

"... This egregious and enormous injustice (continued hazardous waste dumping in Porter) has weighed heavily on generations of the good people of this region for far too long and must stop," said Maziarz as he informed the reps of legislation he is sponsoring in the state Senate. This measure, a companion of which is being sponsored by DelMonte in the Assembly, calls on the state to amend the 1987 DEC haz-waste management provisions on siting and permitting new facilities to reflect the EPA's refocus. It also orders a DEC hold on

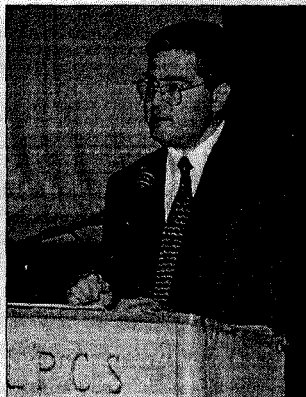


Residents by the hundreds packed the Lew-Port High School auditorium to protest the DEC Siting Plan. (Bill Angus photo)

the granting of any new or additional permits for Chemical Waste Management or similar operations in Porter.

Maziarz closed his remarks by emphatically telling DEC reps to get their act together.

"This region will no longer be the dumping ground ..." he said as he left the podium to a standing ovation by the several hundred in attendance.



RRG's Vince Agnello announced plans for a Town Meeting, June 22 at Lew-Port to further discuss the Siting Plan controversy. (Bill Angus photo)

### 'No Longer Silent'

"We are no longer the silent majority," declared Vince Agnello

president of Residents for Responsible Government, which has been highly critical of the state and federal government's role in the area's decades-old environmental problems and the continued operations of Chemical Waste Management. He then proceeded to chastise DEC reps on the merits of the Plan.

"It is clear from this Siting Plan that we are it," said Agnello as he recalled the U.S. government's role with the Lake Ontario Ordnance Works, the misdirections of federal agencies regarding post cleanup of radioactive wastes on the LOOW site, and the DEC's failure to consider the 1972 Department of Health order regarding radioactive contaminated lands being used for new waste operations.

Noting the decades of environmental abuses in the Lewiston-Porter areas, he blasted DEC reps on "bad decisions" which allowed for Chemtrol in 1974 and then Chemical Waste Management in the 1980s to operate on undressed radioactive contaminated lands.

"DEC and the state is failing us ... the federal government has written us off," Agnello charged as he told DEC they had no vision on how to handle the area's environmental problems.

### New Request

Adding insult to injury, Agnello

informed the crowd of a request by Waste Management, CWM's parent, for up to \$25 million in low-interest Industrial Finance Program bonds by the state Environmental Facilities Corporation for improvements at several of its facilities in the state, including the CWM facility in Porter.

"I am appalled that a request for low-cost capital would come from Waste Management ... who generated a \$630 million income on \$11 billion revenues last year," Agnello said.

Declaring that "Porter will no longer be the dumping ground for the world," Agnello announced plans for an open dialog Town Meeting, Tuesday, June 22 at 7 p.m. in the Lewiston-Porter High school auditorium, which he invited DEC reps to attend.

"We hope you will be there," said Agnello of the session, which is expected to include a mix of state, local and county government officials.

DelMonte appeared next telling DEC reps "The intense public interest here tonight is 17 years in the making." She spoke of her's and Maziarz's legislation aimed to put a hold on any future siting and dumping in the Lewiston-Porter area.

### Criticisms Continue

As the evening wore on, the criticisms continued, with Niagara County legislators Clyde Burmaster and Lee Simonson both directing their wrath at the DEC officials. Burmaster, of Ransomville, who is also a cancer survivor, blasted DEC on their inactivity, which allowed Love Canal to happen and the Hudson River PCB problem to fester. On the Siting Plan, he charged, "You ignore the law that ordered you to abide by environmental justice by not designating other sites. This is criminal injustice."

Telling DEC of six resolutions passed by the Niagara County legislature in opposition to the Plan, in addition to 20 others by Niagara County towns, cities and villages, Burmaster charged the reps to "Obey the law and do it, do it right, do it now ..."

"The fact that the concerned citizens have to come here tonight to beg for their lives is disgusting and insulting," he said to a standing ovation.

Neil Patterson Jr., director of the Tuscarora Environmental office for the Tuscarora Nation told the DEC reps that his members are fiercely opposed to the continued placement of hazardous wastes in Lewiston and Porter. "The Indian Nation will do everything in its power to prevent this from happening," he said.

### Olsen Remarks

Dr. R. Nils Olsen, an attorney who spearheaded many of the earlier legal efforts on behalf of Residents Organized for Lewiston's Environment and the town of Porter, which led to the state directives on DEC on developing the Siting Plan, including the 1987 legislation and the 1994 Supreme Court decision, joined in blasting the state agency on the Siting Plan.

"The endless unjustified delays have left the citizens of Lewiston-Porter cynical, angry, and in despair that the statutory policy of equity and fair play in the siting of these most-unwelcome facilities will ever be achieved or even acknowledged by the agency entrusted with responsibility for environmental justice," he said.

"This refusal to comply ... is clearly appropriate," Olsen charged. "The DEC is an administrative agency, charged with acting consistently with its statutorily created duties. It cannot disregard those duties simply because, in its opinion, the passage of time has made those duties irrelevant. The DEC must withdraw this illegal plan."

Olsen closed his remarks with a call for all towns and cities in the county to join with the aforementioned citizens groups to again fight the DEC in this issue, and make demands on the DEC to pursue avenues aimed at curbing future placement of any hazardous wastes in Niagara County. He left the podium to a standing ovation.

### Emotional Comments

The evening program continued with remarks by a number of area residents, of the many health concerns affecting the area, CWM's continued presence, frustrations on the state's continued lack of regard for Lewiston-Porter and demands for the decades-long environmental abuses in northern Niagara to stop.

Perhaps one of the most poignant comments of the nearly three-dozen speakers that evening came from a young girl who identified herself as a cancer survivor, and coming close to tears, pleaded with DEC to consider the impact of their decisions on the health and safety of the Lewiston-Porter district students.

"I'm a cancer survivor, I'm very young, but I survived," commented this young lady who the Sentinel will not identify. "I've struggled with this ... and I wish for my health, not for anything else, just for my health," she said. "And this year, I'm going to wish for the health of the kids at Lewiston-Porter."

As she left the podium, crying, she received a standing applause by the few that remained.

More than four hours old, the public forum drew to close soon after. For the hundreds of residents who attended, it was one of the most emotional encounters they've ever experienced; it certainly was for this writer.

Perhaps DEC will now listen.

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