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Residents hear of DEC's latest snub on Lewiston Porter area

Attendees invited to join RRG at DEC's offices in Buffalo

by Terry Duffy
Lewiston Porter Sentinel, June 26, 2004

While not nearly as large as the May 6 state Department of Environmental Conservation Siting Plan public forum in the Lew-Port High School auditorium, crowds numbering around 100 attended a session at Lew-Port on Tuesday facilitated by the citizens group Residents for Responsible Government and designed to provide for an exchange of questions and answers between residents and DEC reps over the area's toxic waste concerns.

Problem was, DEC proved a no-show at the event.

"We're disappointed in the DEC," commented a very annoyed Vince Agnello, president of RRG. "This is totally contrary to what was discussed at the DEC Environmental Training Symposium that I recently attended in Albany, where were told that citizen input on all decisions ... are part of the 'new DEC' environmental justice process, Agnello continued.

So much for environmental justice.

Agnello related that DEC as part of an earlier agreement had been invited to participate in the open dialogue session at Lew-Port. "They chose not to do so," noting that their change in stand seemingly came following movement of two bills in Albany -- one by state Assemblywoman Francine DelMonte which passed the Assembly, and another by state Sen. George Maziarz which in essence became bogged down in debate and lost much of its impact as it moved through Senate committees. "I am extremely disappointed and angry," he said of DEC's change in position and its disregard for the concerns of residents.

DEC Snubs Community

As he spoke of DEC's past record of ignoring the interests of area residents with regards to their sanctioning of continued haz-waste operations in northern Niagara, an exasperated Agnello declared, "Where's the DEC today? Where's the commissioner; why does she let her staff continue to snub us?"

Agnello then proceeded to inform the crowd of an earlier fax he received from DEC, viewed as an attempt to placate RRG coming off the stormy Siting Plan session last month at Lew-Port. Specifically, that involved an arranged meeting with RRG representatives and the DEC Region 9 staff, Tuesday June 29 at 2 p.m. at DEC's Region 9 offices, 270 Michigan Ave. in downtown Buffalo.

"The meeting will provide an additional opportunity for interaction with staff on issues of concern," wrote DEC Regional Director Gerald F. Mikol to Agnello. "...I am confident that it will be productive for all involved. The Department continues to make every effort to be responsive to the public's concerns and to requests for information. The upcoming meeting, as well as our plans for future public outreach activities, will continue that effort."

Soon after, DEC dropped the bomb with its announcement that its reps would not be attending the June 22 Lew-Port session, despite earlier assurances that it would.

Noting that RRG intended the Tuesday session to be conducted in an informal format, open and comfortable to all, Agnello stated, "The idea of reaching out to the community and having DEC representatives and residents involved with a civil dialogue seemed appealing to some of the DEC staff who have a better understanding and belief in of the requirements of their own (Environmental Justice) policy."

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'A Conspiracy'

He then told the crowd of the aforementioned actions in Albany which watered down the impact of the Maziarz bill. "Judicially it looks like a conspiracy," said Agnello, as he told attendees of his response in a return Fax to DEC's Dan David.

Agnello wrote, "You imply that RRG and I agreed to next week's meeting as a substitute for the June 22 meeting. This is entirely false. The public has been and continues to be shut out of their process at every step. Our invitation to the June 22 meeting was open and sincere."

He continued, "Your agency continues to be untruthful and deceptive. The public wants genuine answers ... It is unfortunate that your agency does not truly believe in or practice environmental justice ..."

Agnello then told the crowd he informed David that he was inviting, against DEC's wishes, the 100-plus in attendance on Tuesday to next week's DEC session in Buffalo. "The public still deserves answer as to why the DEC is not coming to tonight's meeting."

He also told the crowd that RRG now plans to go directly to Gov. George Pataki to clarify the state's position, and should that fail RRG would consider action on the federal level, including the courts. "I don't see many other options," Agnello said, stating he was requesting the governor's intervention with an Executive Order to bring an end to decades of environmental abuses in Niagara County. Agnello closed, again by inviting residents to attend the Buffalo DEC session. For further input he invited residents to vent their frustrations to Mikol and DEC Region 9 reps directly calling 851-7200.

Q and A Session

Following his remarks the forum moved to a question and answer session where attendees queried Agnello, who was joined on stage by Terry Yonker of Youngstown, past member of Great Lakes United who has been active in Great Lakes environmental monitoring, most recently with the state of Michigan, and Tim Henderson of RRG and Residents Organized for Lewiston's Environment. The two empty seats provided for the DEC reps glaringly stood out throughout the session.

Directed by Fred Caso who served as an outside moderator, the two-hour session saw a number of area residents offering concerns on the continued abuses the area faces due to the CWM Balmer Road operations. These ranged from repeated questions over a lack of air quality monitoring in areas adjacent to CWM, to concerns echoed by a Porter-Center Road resident of a suspicious white plume that fills the area skies late at night from CWM's activity, more stories of suspicious deaths, to the endless complaints over truck traffic.

19 Trucks

One resident of Raymond Drive told of recently observing 19 trucks lined up at 6:30 a.m. on Creek Road, to move their cargo to CWM before the daily halt occurs to accommodate the school bus traffic to the Lew-Port Creek Road campus. "When are we going to get court injunctions to get this stopped?" he asked.

Henderson replied that the most recent Community Host Agreement directed the hours of truck traffic, as he again raised the issue of Pataki's continued lack of concern to the area's environmental problems.

Yonker stated that Pataki, as a member of the board of governors and premiers monitoring Great Lakes water quality "needs to take some responsibility here" with regards the state's continued lack of concern in the region.

Consider All Residents

As discussion ensued on the history of Environmental Justices abuses in other communities, namely a New Jersey case where area minority populations successfully thwarted continuing environmental abuses in that region, Agnello told the audience that in respect to a community being overburdened, consideration needs to be paid to all residents, whether they are minority or not. He also told residents that the concerns of minorities also hold true in northern Niagara, noting how Neil Patterson Jr., director of the Tuscarora Environmental office for the Tuscarora Nation recently filed a formal protest with the state over the truck concerns.

Resident Amy Witryol noted the aforementioned 19 trucks stands in direct violation to agreements governing truck traffic. In earlier conversation, she indicated that residents concerned with truck traffic or having issues on incidents of leaks, can contact the following to lodge their complaints. These include:

- Paul Dicky, Ron Gwozdek or Jim Devald of the Niagara County Health Department, daytime contact, 439-7444; after hours, 439-7430.
- Jim Strickland of DEC's Region 9 office. Complaints regarding odors may be directed to 851-7220, while those related to trucks (spills and/or law enforcement issues) can call 851-7000.

Concluding Remarks

As the session wrapped up, local officials, including Porter Supervisor Mert Wiepert, 12th District Niagara County Legislator Lee Simonson, and Paulette Kline, executive director of the Niagara County Health Department all assured residents that they intend to keep the heat on to the state over the region's environmental abuses.

"Dollars are not the issue here," said Wiepert, noting how he was supervisor when the pro-CWM measures passed the Porter Board in 2001 and how the board's composition has now changed to one that doesn't look as favorably on CWM. "I'm not for it," ... neither is the board, said Wiepert.

Simonson said the Niagara County Legislature has been and continues to remain opposed to CWM's operations and the prospect for the Hudson River PCBs coming to Lewiston and Porter.

Kline told the audience, "I'm not sure CWM knows what they're taking on here," noting how the state's 1972 order regarding waste operations on radioactive contaminated areas is still being upheld by the state Health Department. "The New York State Department of Health is holding CWM accountable for monitoring," said Kline. "Under no way is the state Health Department letting CWM get away with this.

Calling for the Niagara County Health Department to actively pursue well testing on properties in the Lewiston Porter areas, she closed by telling the audience, "The department of health in this county takes this very seriously."

Soon after, the session broke for the evening with attendees again invited to join RRG officials at the June 29 DEC parley in Buffalo. For further information, contact Agnello at 745-9619 or RRG's Bill Rolland at 745-3462.

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