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Lewiston-Porter Sentinel

Calls for NYS toxic landfill legislation, now

Niagara County has been home to the only commercial solid toxic waste landfill in New York State for decades. Most of the landfill waste comes to us from 30 other states and Canada – not New York.

In 1987, the New York State Legislature passed a law calling for a Hazardous Waste Siting Plan to ensure equity in the distribution of hazardous waste disposal facilities in the state. A plan was prepared by the NYS Dept. of Environmental Conservation, which virtually assured we would remain the only toxic landfill in New York. But in April 1994 the Towns of Lewiston and Porter, working with the citizens' organization R.O.L.E., sued the DEC and won – the DEC's Siting Plan was rejected. That 1994 NYS Supreme Court ruling ordered a new plan be submitted with "all deliberate speed." Nearly 10 years later, the DEC finally got around to resubmitting a draft plan. Last May, nearly 1,000 of us, including all of our local, county and state representatives jammed the DEC Hearing at Lew-Port High School to oppose the plan that placed an unfair burden on Niagara County as the sole commercial solid hazardous waste facility in NYS.

With the support of a Niagara

County Legislature resolution on May 17, 2005, Sen. Maziarz and Assemblywoman DelMonte have just introduced an amendment to the 1987 Siting Law that would require the NYS DEC to finally adopt a Siting Plan before it considers any more toxic landfill applications. State Sen. Bruno and Governor Pataki should give their full support to this bill because without it, we have the NYS DEC regulating businesses without setting forth the regulation. It seems akin to arguing a case at the U.S. Supreme Court without a Constitution.

With the continued decline in hazardous waste volumes throughout our region and the nation due to rapid advancement of waste minimization and reclamation technology, and permanent shifts toward off-shore manufacturing, it seems likely that NYS won't need a new toxic landfill when the existing landfill runs out of capacity in 6 years. Regardless, whether the governor agrees or disagrees with this prediction, after 18 years of ignoring the 1987 Siting Law, he should insist NYS DEC adopt a Siting Plan, before a new toxic landfill subject to that plan is considered.

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