

EPA reps' visit, Pataki action on Siting Plan, part of a busy week at CWM



Members of Residents for Responsible Government lined Balmer Road across from the CWM gates as part of an informational protest to the EPA visitors Tuesday afternoon. (Terry Duffy photo)

by Terry Duffy

It's been a busy week, news-wise, out at Chemical Waste Management.

Leading off, national representatives from the U.S. Environmental Protection Agency, visiting the area as part of a Buffalo regional conference, received a little unexpected education on community frustration -- in the form of protests launched Tuesday afternoon by Residents for Responsible Government -- when they stopped by the Balmer Road gates outside Chemical Waste Management operations in Porter this past week en route to a facility tour.

To shouts of "Save our community. Stop toxic waste" by more than a dozen members of RRG, a number of EPA representatives briefly disembarked their coach bus to see what the area residents were protesting about.

Enlightening Experience

And it became an enlightening experience for the out-of-town visitors, many of them saying they had not been apprised earlier by EPA on the extent of the problems at CWM's hazardous land filling operations and its impact on the community.

"I wasn't aware of any of these problems," remarked an unnamed West Virginia visitor when informed by RRG members of the environmental issues, including radioactivity concerns, that afflict the CWM property as well as areas of the former Lake Ontario Ordnance Works site at points south. "Do those people wear radiation monitors in there?" she asked.

Such problems remain at the CWM facility, pointed out Vince Agnello, RRG president and a parent of two children at nearby Lewiston-Porter who went on to chastise EPA at the afternoon protest for not doing its job.

"EPA pays New York state to run its toxic waste program," said Agnello, "Yet we can't get any federal oversight to test for radiological leakage or establish a monitoring and evacuation plan for the 2,500 students and 700 faculty and staff at Lew-Port."

EPA Visitors Curious

EPA visitors seemed both impressed by RRG's protest efforts in the 90 degree-plus temperatures Tuesday as well as curious why the federal agency didn't focus on this issue as part of the Buffalo confab.

"I work at EPA, but my sites are in New Jersey and I really knew nothing about this," added Pat Siepe of EPA, Region 2, who said she was just informed on the extent of the problem by means of the recent *New York Times* front page article which she received on the

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Curious EPA reps disembark their coach bus from Buffalo en route for a quick chat with the RRG members prior to the CWM tour. (Terry Duffy photo)

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bus en route from Buffalo to Porter.

"I am very impressed by the reactions by the community ... and the local officials" to this problem, Siepe added. "It's just amazing ... we don't see that in other sites."

The CWM tour was part of a visit to the Buffalo area by 450 representatives of EPA from all over the country and environmentalists from Canada. Its purpose was a collaboration of ideas and partnerships by its members to better carry out the various EPA endeavors nationally.

It also proved an education, according to Siepe. "This (the protest) is so good," she said.

"At EPA we don't know what's going on in other areas of our organization. It's such an eye-opening experience."

Offers Suggestion to Protesters

John, another EPA visitor from Missouri expressed surprise upon hearing on the problems associated with CWM's land filling operations, including the ongoing high-level PCB disposals and its impact on health, including cancer problems.

"There's an Agency for Toxic Substance Relief Registry, have you all talked with them?" he asked. "...They're a federal agency ... they're not EPA, but they're a federal agency which works with EPA. They look to do studies where there are health impacts."

Of EPA's apparent lack of diligence, he added, "It's hard

to make the connection sometimes, even when there appears to be overwhelming evidence ..."

CWM District Manger Richard Sturges said later on the EPA reps didn't raise any issue that day on the aforementioned issues with their CWM tour hosts. "No. Not at all," said Sturges. "I wasn't aware of any concerns from the EPA reps. They asked questions (of CWM technical expert Jill Knickerbocker who hosted the tour) and she answered them."

State Action on Siting Plan

But apparently the long-standing CWM environmental concerns have now made an impact on the state level with news late Tuesday that State Gov. George Pataki, at the prodding of State Sen. George Maziarz, signed into law a measure calling for the state DEC to complete a long-sought-for Siting Plan, establishing equitable distribution of hazardous waste sites across the state before the issuance of any new or pending permits.

That measure, which dates back to legislation introduced 18 years ago by then Assemblyman Joseph Pillitere and Sen. John Dale and passed into law in 1987, had called on DEC to establish an equitable Siting Plan in order to remove the Town of Porter, home to CWM, from having to continue as the only destination in the state for disposal of

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CWM voices support for state long-term hazardous-waste plans

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hazardous wastes. But due to DEC's lack of response that measure became a Supreme Court order on DEC in 1994 -- and remain one which until Tuesday that still had not been acted upon by the state and DEC.

Takes Effect Immediately

It was cemented on Tuesday with Pataki's signing of an amendment sponsored by State Assemblywoman Francine DelMonte and Maziarz. It had cleared both houses of the state Legislature in mid-June. With Pataki's signing, the amended bill takes effect immediately.

Specifically, the measure, "requires that all new and pending disposal facility applications are consistent with the requirements of the facility siting plan outlined in Sect. 27-1102 of the Environmental Conservation Law," according to Bill Summary S05564.

"Passage of this bill is a major victory for environmental justice," said Agnello. "The passage of this bill is a clear message to DEC that the 1987 law still applies and that they must comply with it."

CWM Claims No Impact



Area volunteer fire companies and members of the Town of Lewiston Haz-Mat team attend to the truck spillover Wednesday morning at Creek and Balmer Roads. (Larry Kensinger photo)

on Renewal

DEC had been in the reviewing process en route to authorizing two sets of permit applications from CWM -- one covering a renewed operating permit, the other a proposal to build a new landfill. While the governor's Siting Plan signing now puts the brakes on CWM's RMU-2 expansion permit, it does not impact CWM's renewal permit for continued operations, according to Sturges.

"That was deemed complete by DEC some time ago," said Sturges, adding that as far as he was concerned Pataki's action has no impact whatsoever with DEC on the permit renewal process.

In a statement released yesterday, Sturges continued, "CWM ... has always supported efforts by New York State leaders to develop a long-term plan for handling hazardous waste.

"CWM's Model City facility provides an important service to over 800 manufacturers in New York state and has a good record with state and federal regulators. The economic competitiveness of Western New York depends in part on continued access to a safe and cost-effective service for hazardous waste disposal. Based on CWM's environmental record and the company's overall commitment to protecting

the public's health, we believe CWM is best suited to be a part of New York state's long-term solution."

At this writing, DEC was said to be still reviewing the full impact of the Pataki bill signing on CWM's renewal permit.

RRG however came away pleased with results. "This opens the door for more action," said Agnello.

Truck Spillover

In other news, Sturges stated that CWM was taking a hard line on the truck spillover at Creek and Balmer roads Wednesday morning which saw a non-hazardous granular

waste material dumped into a nearby ditch. The driver, identified in police reports as Moses Hyman of Cheektowaga, was working for a Buffalo area trucking contractor that had been transporting the material to CWM for a Massachusetts company. He apparently had not entered CWM before the accident and was attempting a turnaround at the intersection when the accident occurred.

"We take these matters very seriously," said Sturges, adding that the driver as well as the trucking company are banned from coming to CWM until further notice.

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