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## **Kiwanis run for Roswell**

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## **Pataki vetoes Great Lakes Water Quality Legislation**

*by Terry Duffy*

Citing "serious flaws," with the measure, Gov. George Pataki on Thursday cast a veto to the Great Lakes Water Quality legislation. Sponsored this past spring by state Assemblywoman Francine DelMonte, 138th District, Lewiston, and state Sen. George Mazarz, R-C 62nd District, Newfane, it sought to prohibit the siting of hazardous waste facilities in the state that had the potential to discharge into

Great Lakes waters.

The governor's actions to DelMonte's Assembly Bill A-11713, and Mazarz's S-8107, measures which saw strong support locally and statewide, and followed approval by both houses in Albany, came on the last day prior to the legislation becoming state law by default. In essence the bill, which would have amended the state's Environmental Conservation Law to "prohibit any industrial hazardous

waste disposal facility from being sited in allocation with the potential to discharge into the Great Lakes system," went down to defeat due to Pataki's concerns of possible conflicts with the state DEC's yet-to-be-finalized Siting Plan governing placement of hazardous waste facilities in communities. The Siting Plan is expected to be finalized by DEC in 2007.

In his announcement of Veto No. **SEE DELMONTE continued on page 22**

## **Porter hearing on preserving farm land**

*by Susan Mikula Campbell*

A public hearing on a plan to preserve farming land and boost the agricultural economy in the Town of Porter will be held at 7 p.m., on Monday, Sept. 11, at Town Hall.

The hearing, approved at Monday's Town Board meeting, is intended for all community mem-

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FILE

you read some new too

## DelMonte to explore 'range of options'

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355, Pataki said, "I am advised that this bill is intended to prevent the possible expansion of Chemical Waste Management's hazardous waste disposal landfill in the towns of Porter and Lewiston. While I understand and appreciate the concern regarding this issue, it would be premature to foreclose the option of expanding this facility pending the issuance of the final statewide Siting Plan. Indeed, the statewide Siting Plan is intended to be a comprehensive and objective plan that will assist the state in making difficult decisions regarding the siting of hazardous waste facilities throughout the state."

### 'Serious Flaws'

In noting the many problems contained in the legislation, Pataki raised issue with the fact that by its "Great Lakes" definition, the measure in essence would encompass the future of 24 counties within the state with regards to placement of hazardous waste facilities. "This bill would effectively preclude the siting of any

hazardous waste disposal facility in over 50 percent of the state and in areas only remotely associated with the Great Lakes."

Pataki also expressed concerns over what the state and DEC felt were "substantial constitutional issues" in limiting the disposal of hazardous waste in the state from out-of-state sources. "They are also concerned that the bill could result in other states enacting similar laws to limit the disposal of solid and hazardous wastes from New York state," Pataki said.

Further, the governor raised issue that the bill "would inappropriately circumvent the long-established process" of DEC for the regulating of hazardous waste facilities, taking into consideration the environmental merits of the "treatment, storage and disposal of hazardous waste, air emissions and water pollution discharges of each potential applicant."

While Pataki went on to say he was fully committed to protecting the Great Lakes as an important natural resource, he added, "I am constrained to disapprove the bill

because it is premature and suffers from serious flaws."

### CWM Cites

#### 'Negative Impact'

Dick Sturges, district manager of CWM Chemical Services LLC, who described the measure as "flawed, both legally and environmentally," said it "would have added no meaningful protections to the stringent standards already in place" in the state. Further he said it could have a negative impact on brownfield cleanups and other environmental remedial measures both inside and outside of the state.

"This bill would have added to the costs of brownfield and superfund cleanups in New York," said Sturges. "It would have erected barriers to environmentally safe, cost-effective waste management options in New York state."

"CWM will continue to proactively seek input from out neighbors in Niagara County as we move forward with future operations and as we continue to operate the facility in an environmentally safe manner and in full

compliance with all local, state and federal environmental regulations."

### Disappointment Abounds

As to be expected, disappointment to the veto was echoed strongly by DelMonte and Maziarz, as well as dozens in the area who had strongly backed the measure.

"I am very disappointed," said DelMonte. "He focused on the state Siting Plan which has been delinquent for the past 12 years."

DelMonte said her bill as presented contained very strong evidence in terms of the amount of hazardous waste brought into the state versus that actually generated in New York. "In that context it makes a lot of sense to not have any (hazardous waste) facility in New York state whatsoever," she said.

DelMonte added, "It's somewhat perplexing in its explanation," noting Pataki's aspired legacy as an environmental governor, his state acquisitions of Adirondack lands and then his backhanded slap at Niagara County

environmental interests with the bill's veto. "It's not sound environmental policy," she added.

Saying she intends to meet "fairly soon" with local and state interests "to discuss a range of options," DelMonte stressed, "It's important for all of us to get together to plan the next step." She closed with optimism for a better result next year with a new governor.

"I am baffled by the governor's logic," said Maziarz, who along DelMonte and such groups as The Niagara-Health Science Project, Residents for Responsible Government and others, had campaigned strongly on many occasions over numerous years to safeguard Niagara County environmental interests, the health of its citizens and Great Lakes water quality from the impact of CWM operations.

"His veto message argues that a statewide hazardous waste plan should be in place before the bill's provisions can be considered. However a law passed in 1987 re-

SEE WITRYOI. continued on page 28

# Witryol raises Waste Management lobbying influence

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quired the creation of such a plan within six months. It's now 2006 and no plan has been adopted. How long are we supposed to wait?" Maziarz asked.

"For the governor's entire term of office, the state has been in contempt of court for failing to finalize the statewide hazardous waste facility Siting Plan. It is inexcusable for the governor to now use the dysfunction of his own administration for vetoing a 'no-brainer' bill."

Maziarz vowed to "fight on" in his efforts in the Senate for an override of the Pataki veto.

## Waste Management Influence Raised

Amy Witryol of the Niagara Health Science Project was equally dismayed. "The governor's veto reflects his desire to give CWM the opportunity to reduce U.S. hazardous waste landfill capacity by consolidating national toxic waste here. Consolidation means better profit margins for a very powerful lobby," said Witryol, re-

"I can think of 1.3 million reasons to sign it. ... (Pataki) has lost touch with the very people who put him in office."

Tim Henderson

ferring to the over \$1 million spent by CWM parent Waste Management in Albany lobbying in recent years. She closed by urging Maziarz to lead a Senate override of the Pataki veto.

Tim Henderson of RRG and ROLE said he was "not surprised in the governor's shortsightedness."

"I can think of 1.3 million reasons to sign it," said Henderson, alluding to Waste Management lobbying efforts. He added that Pataki "has lost touch with the very people who put him in office."

Saying that the "Fat lady has not even picked her song yet," Henderson predicted a "brighter day in New York state come January with a new governor and a new direction."