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06/29/09 07:40 AM

TOWN OF PORTER**Assembly fails to take action on plan to tax landfilled hazardous waste**

By Aaron Besecker
NEWS NIAGARA REPORTER

A proposal to tax hazardous waste disposed in New York was introduced this month in the Assembly, although the chamber's regular legislative session ended last week without the full body taking action on the bill.

The measure would place a \$20-per-ton disposal tax on hazardous waste landfilled at CWM Chemical Services in the Town of Porter, the Northeast's only commercial hazardous waste landfill facility.

The state currently does not tax any hazardous waste landfilled at CWM but does tax parties that generate hazardous wastes inside New York.

Other states have disposal taxes on hazardous waste.

The bill, which was introduced in mid-June by Assemblywoman Francine DelMonte, D-Lewiston, also would lower the existing tax on parties within the state who generate hazardous waste from \$27 per ton to \$7 per ton. Companion legislation was introduced in the State Senate by Sen. Antoine M. Thompson, D-Buffalo.

"I've been assured that the next time the Assembly returns to Albany, the bill will be on the calendar for consideration," said DelMonte, who added that she anticipates the chamber will be called back into session this year.

DelMonte's proposal estimates annual revenue from the tax would be \$3 million. Ninety percent of the funds generated would go toward the state's Hazardous Waste Remedial Fund, while 10 percent would be sent to the Niagara County Health Department.

CWM spokeswoman Lori Caso called the proposal "a tax on environmental cleanups."

"This legislation could actually stifle remediation and brownfield cleanup efforts," Caso said. "It certainly isn't environmentally friendly."

The bill was written to have taken effect July 1 but will be changed to reflect a new starting date before it's considered by the Assembly. The state previously had a disposal tax on out-of-state waste, but it was struck down by the Appellate Division of State Supreme Court in late 2004.

According to the state Department of Environmental Conservation's draft siting plan issued last year, CWM accepted hazardous waste from at least 20 states, the District of Columbia and Puerto Rico as well as from outside the country in recent years.

CWM landfilled nearly 97,000 tons of out-of-state hazardous waste in 2005, according to the state plan.

Under state guidelines, landfilling hazardous waste is the least preferred method of disposal, and regulators anticipate the amount of waste landfilled will continue to decrease over time.

CWM officials have asked the state for permission to expand their Balmer Road facility, though action on their application has been stalled as state environmental regulators work to complete a plan to guide where new facilities would be located.

Residents for Responsible Government, a Porter-based residents group that opposes expansion at CWM, as well as Citizens' Environmental Coalition of New York have said they support the bill.

"The current policy," said Brian Smith, Western New York director for Citizens' Environmental Coalition, "gives a free ride to those that want to send their hazardous waste to our state, encouraging more harmful landfilling here."

abesecker@buffnews.com

Find this article at:

<http://www.buffalonews.com/cityregion/niagaracounty/story/718309.html>

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