

TONAWANDA NEWS

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NORTH TONAWANDA

The last hope for getting the Army Corps to remove radioactive materials in the Town of Tonawanda landfill may be a

FEDERAL PUSH

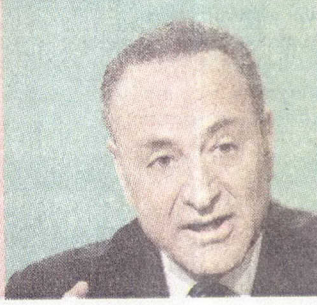
U.S. REP. LOUISE SLAUGHTER, D-FAIRPORT

"To ensure that radioactive materials have not migrated or leached beyond the landfill's perimeter into neighboring private property, I request the (Army Corps) review its findings and resample along the landfill's perimeter."



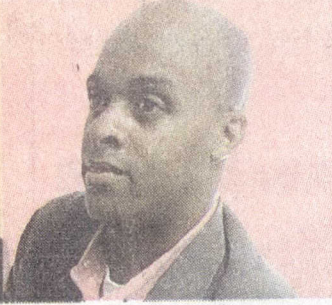
U.S. SENATOR CHARLES SCHUMER

"The Army Corps needs to step up to the plate and do the necessary testing and clean up to ensure that the landfill poses as little risk as possible to the surrounding area."



STATE SENATOR ANTOINE THOMPSON

"I'm not in favor of keeping those materials in the ground. I think we should remove them."



FILE PHOTO

LANDFILL: Pictured is the Town of Tonawanda landfill in May 2006, before the latest round of citizen concern arose in an attempt remove radioactive materials in the landfill.

REPRESENTATIVES BY THE ASSOCIATED PRESS

Army Corps says Schumer, Clinton and Slaughter may change their mind. But it is unclear how.

BY DAN MINER

minerd@gnewsnewspaper.com

"If residents of Tonawanda want the (U.S. Army Corps of Engineers) to do more than what Congress has authorized us to do, they will have to address those concerns to their elected officials," Army Corps Public Affairs Officer Bruce Sanders said. "It's as simple as that."

Sanders was discussing radioactive materials — uranium, radium and thorium — which have been found in the Town of Tonawanda landfill. The Army Corps, testing those materials as part of its FUSRAP program, has found risk levels to be within acceptable U.S. Environmental Protection Agency guidelines. In other words, they're legally healthy, and there's

nothing the Army Corps can do but leave them there.

That's reflected in the Corps's 2006 report, which says the materials should not be removed. It's also part of its March 26 proposed plan, which recommends materials be left in the landfill, whether it's capped or not.

And despite the outcry of concern among City of Tonawanda residents who live near the site, it will be the Army Corps final decision.

Unless, that is, something happens which changes the Corps legal right to act on those materials. That something appears to be pressure and action from federal lawmakers.

Uncertainty

"If the level of concern is great enough, there's always potential that

Congress could take some action to modify our authorization in the program," said Project Manager Stephen Buechi of the 90-day public comment period which began March 26. "Congress authorizes the program and makes the rules and regulations for FUSRAP."

But the specific action needed to be taken by those lawmakers, specifically Sens. Hillary Clinton and Charles Schumer and Congresswoman Louise Slaughter, D-Fairport, is unclear. Sanders pointing out that the Army Corps does not advocate, said he didn't know. Neither do the state or Niagara Falls EPA offices, since they are merely consultants to the Army Corps in FUSRAP programs.

SEE LANDFILL ON PAGE 4A

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Page designer: Marci Jordan

LANDFILL ...

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The feds

If the lawmakers and their offices have big plans, nothing but small glimpses are available to the public eye.

Schumer and Slaughter have been the most actively publicly.

"This issue is of the utmost importance to the residents and businesses of (Tonawanda) and the entire region," Schumer said Friday in a statement via e-mail. "I will hold the Army Corps' feet to the fire to ensure this issue receives the attention and action it needs and deserves."

Schumer also released a statement on Feb. 23 urging the Army Corps to move fast and calling the landfill "a very serious problem."

Slaughter, who is currently touring the Middle East with House Speaker Nancy Pelosi, has sent a March 5 letter to the Corps in which she asked for more testing.

"This is definitely on her radar," said Slaughter Spokesman Frank Benenati. "It's something we're very much aware of."

A Clinton aide said action is planned within the next week, but declined to say what it is.

Thus far, letters and public statements have done little to change the Army Corps' actions. The body did extend the public comment period on the proposed plan from 30 to 90 days, and they say they'll look at all comments to see if there's anything important. But requests from Schumer and Slaughter for more testing did not make it into the proposed plan.

MORE ON THE WEB

Those who want to contact federal lawmakers with concerns about the landfill can find a form letter and mailing addresses to them at www.ci.tonawanda.ny.us.

Other information on the landfill, including the proposed plan, is also available on the site.

If you go

■ **WHAT:** Public comment meeting on Town of Tonawanda landfill

■ **WHEN:** 7 p.m., April 25

■ **WHERE:** Tonawanda High School auditorium, 150 Hinds St.

numbers regarding daily use, so I'm not completely satisfied."

Iannello pointed out concern for another radioactive material in the landfill out of the Army Corps' purview, americium left from defunct smoke detector company EAD Metallurgical, and expressed her support for a proposed road between residents properties and the landfill. The road has been supported by Pilozzi and objected by Davis.

State involvement

State Sen. Antoine Thompson also expressed his disagreement with the proposed plan, and said he'll be active in advocating a cleanup in the coming months.

"All the residents know is that it's in their backyard," said Thompson, whose district encompasses surrounding City of Tonawanda properties but not the landfill itself. "I'm all for making brownfields into greenfields."

Thompson has a conference call today, along with state

The locals

Meanwhile, the more local the politicians get, the greater the outcry.

City of Tonawanda Mayor Ron Pilozzi, Councilman Rick Davis and Erie County Legislator Michele Iannello, D-Kenmore, have all been active in pushing for testing of residents' properties near the landfill, removal of the radioactive materials and in trying to get Schumer, Clinton and Slaughter involved.

Davis recently sent a letter to the Army Corps Friday detailing his issues with the proposed plan, breaking it down section by section and, ultimately, asserting that the only acceptable outcome is removal of the materials.

He acknowledged that federal lawmakers can change the Army Corps action, but like almost everyone else, was fuzzy on the details.

"The only thing we can do is ask the public to write letters to Schumer, Clinton and Slaughter and plead with them for the Army Corps to fully remediate the landfill," he said. "Digging it up and getting it out of there is the only answer."

Pilozzi has advocated since at least June 2006 for further testing on residents properties, and has written a number of letters to all involved parties.

Iannello was critical of the report as well.

"I'm not thrilled by it," she said. "We would still like to have an evaluation of those

Assemblyman Robin Schiminger and state Sen. Mary Lou Rath, in which they Army Corps will explain their proposed plan.

Meanwhile, the 90-day public comment period is dwindling, and once it's over, so too may be the hopes of residents who want the Army Corps to remove radioactive materials. The Army Corps will hold one more meeting, set for 7 p.m. on April 25, at the Tonawanda High School auditorium, to collect oral public comments.

Capping the landfill

Recently, the state Department of Environmental Conservation said it may move the radioactive materials further into the landfill and away from nearby residences fill, though that stance has been unpopular with local officials who say they want it removed completely.

The DEC is working with the Town of Tonawanda, which owns the site, to close the landfill for good, though both entities are waiting for the Army Corps' proposed plan.

Contact info

The City of Tonawanda Web site, www.ci.tonawanda.ny.us, has made a packet of information on the landfill available. There are also form letters available on the site to Schumer, Clinton and Slaughter.

Contact reporter Dan Miner at 693-1000, Ext. 115.