



## NIAGARA COUNTY: Legislature to sue state over CWM landfill

By Mark Scheer  
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— Niagara County plans to bring legal action against the state in an attempt to prevent Chemical Waste Management from moving forward with the installation of a new cap at its Town of Porter landfill. Members of the Niagara County Legislature on Tuesday authorized the county attorney's office to file a lawsuit that would challenge a recent finding from the Department of Environmental Conservation. The DEC has granted tentative approval to a permit modification needed by CWM to carry out the installation of a new cap on RMU-1, a portion of the landfill where hazardous waste is still accepted. The county intends to prove in New York State Supreme Court that the agency lacks the legal standing to approve CWM's proposal or any other project that would result in the expansion of landfill capacity. County Attorney Claude Joerg said it is the county's position that CWM's proposal would expand the Porter landfill and that, under state law, any expansion of hazardous waste operations in New York is prohibited until a statewide siting plan for such facilities has been formally adopted. That plan remains under review. "We say that the state must have a siting plan before CWM can exceed capacity," Joerg said. CWM is looking to replace two feet of compacted clay layer with a new geosynthetic clay liner that the company says will provide greater resistance to weather conditions. The DEC determined that the project does not fall under the state's siting laws because it does not allow for an increase in the landfill's "currently permitted overall area or height" and will not "increase the rate" at which the site can accept waste. In issuing its negative declaration on the project's environmental impact, the DEC found the new cap would reduce the overall thickness of the landfill cover, thus allowing for an estimated capacity increase of 3 percent. The DEC also determined the move would result in up to one year of additional landfill operation for the company. Residents for Responsible Government, a local environmental group that opposes landfill expansion, contends the new cap will allow roughly 160,000 tons of additional waste to flow through Niagara County. Legislator Clyde Burmaster, R-Ransomville, said the county intends to do what is necessary to stop any additions to the landfill in the absence of a finalized siting plan. "We take issue with it legally and we feel very just and justified in taking legal action in preventing that from happening," he said. The county's move comes as DEC officials are preparing for a public hearing on the project tonight in the Lewiston-Porter High School auditorium. The hearing will be conducted in two sessions, the first starting at 4 p.m. and the second at 7. In other matters, the Legislature:

- Referred to the Community Safety Committee a resolution calling for the formation of a bipartisan committee to review the role of the county's Department of Homeland Security.
- Referred to the Economic Development Committee a pair of resolutions calling for portions of the county's casino funds to be used in support of the Niagara Military Affairs Council and the Save Labor Day for Youngstown celebration.

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