
Concerned Citizens of Cattaraugus County, Inc.

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Special Farmersville Edition

CCCC Newsletter

Landfill Permit Application

Updated Timetable for Action on the Permit

Integrated Waste Systems, Inc. of Buffalo has submitted a revised application for a permit to the state Department of Environmental Conservation. On Feb. 1, NYSDEC sent comments back to IWS for final changes. "It is our expectation," NYSDEC told IWS, "that the responses to these comments will lead to acceptance of the application documents, including the DSEIS [draft supplemental environmental impact statement] as complete for public review, without the need for further revisions."

This means hearings will likely be scheduled this summer.

What Kind of Landfill?

IWS is asking permission to dump about 20 million tons of garbage on the side of a steep slope looking down on Route 98. Specifically, the IWS plan calls for:

- 690,000 tons of garbage per year
- 134 acres of garbage cells
- 300-450 truck trips in, 300-450 truck trips out
- a waste pile looming 600 feet over Route 98
- a 20-year operating lifetime

Restaurants along Route 16 will have a booming business. But few local people will want to eat with a dozen dripping semi's in the parking lot. Few will want to risk driving on Route 98 with the prospect of trucks lined up for hundreds of yards.

What Kind of Regulation?

NYSDEC regulations state they provide "minimum" protections for the environment, health and safety, and that towns are free to apply stricter regulations.

The Farmersville Town Board overcame its fear of imposing stricter regulations in the summer of 2000. However, one month after adding protections to its local waste law [the Board caved in](#) to threats of a lawsuit by Bill Heitzenrater, reported CEO of IWS's parent company.

The Board fears it will be seen as breaking a contract with IWS, entered into over a decade ago by an earlier

town board. However, a town's powers to enact laws protecting its citizens health and safety are very strong; towns may even ban landfills as a threat to local health and safety. In fact, Farmersville's local waste law bans all landfills, but provides an exception for IWS.

We think the town never gave up such powers by signing a contract with IWS. An earlier board was intimidated into signing the contract and including an exception for IWS in the local waste law by two lawsuits brought by IWS against the town in the early 1990s.

What did the 1991 Town Board agree to? Did it agree to tie the hands all future boards? Can a decade-old contract hold up the town's future forever?

Farmersville residents should urge their town board to act. The Town could rescind its waste law altogether. Then the county's strict waste law would apply, and Farmersville would benefit from protections the county's law provides.

Nothing will stop IWS from bullying the town with threats of a lawsuit. Such threats are a business strategy. If the Town Board fails to act, it will bequeath to its residents and their children a costly environmental nightmare.

A Unique Habitat

The precise area around the proposed landfill site is home to "extensive, high quality wetland, upland, and stream habitats," according wildlife specialist Gretchen Stevens who provided comments on the proposal last October for the county. Not the least of these habitats is Carpenter Brook, directly south of the site. According to NYSDEC's Wildlife Division, rare wild brown trout and mottled sculpin can be found in Carpenter Brook. NYSDEC says Ischua Creek, where the brook empties, is one of the "top inland trout streams in western New York."

The meadows on the dump site are ideal habitat for nesting and foraging by endangered, threatened or "special concern" rare grassland birds, according to Stevens. These include the short-eared owl (endangered), northern harrier, upland sandpiper, sedge wren, Henlow's sparrow (all threatened), grasshopper sparrow, and vesper sparrow (both of special concern).

Where Does Our Garbage Go?

Cattaraugus County produces about 55,000 tons of garbage each year and recycles half. The other half goes to the publicly-owned Chautauqua County Landfill at Ellery. Some commercial waste from the county goes to Waste

Management's CID Landfill in Chaffee, some goes to Casella Waste Systems' Hyland Landfill in Angelica, and some goes to Chautauqua.

One million tons of permitted landfill space goes unused in New York each year. Ninety-five percent of that excess space is located in western New York: Seneca Meadows Landfill in Seneca Falls, Riga Landfill and Mill Seat Landfill in Monroe County, Modern Landfill and Niagara Recycling's landfill complex in Niagara County, and the Chaffee, Angelica and Ellery landfills mentioned above. All but Ellery are private mega-landfills, accepting on average a half-million tons of garbage per year. Almost the entire amount of New York's excess landfill space is in these western New York landfills.

Where Will the Garbage Come From?

If there's so much excess landfill space, where will more garbage come from?

Some garbage might be hauled from the Village of Allegany and the City of Olean, which contracts with Casella Waste Systems' subsidiary SDS Disposal of Olean. CCCC believes this mini-giant in the garbage industry is the power behind IWS.

But SDS takes its garbage to Casella's Hyland Landfill in Angelica, which is only three years old. And it would take Cattaraugus County about 25 years to produce what IWS plans to dump in a year.

NYSDEC has a policy of "self-sufficiency" in landfill space statewide. Because New York exports the most waste of any state, most of it from the New York City metropolitan area, DEC is afraid Congress will authorize neighboring states to restrict the interstate flow of garbage. That's a violation of the U.S. Constitution now, and in reality that's unlikely to change.

Last year, New York City's landfill at Fresh Kills, Staten Island, was closed. Now 13,000 tons of municipal waste per day that went to Fresh Kills must be added 10,000 tons of "commercial" garbage from New York City's restaurants, office buildings and stores. Former Mayor Rudolph Giuliani said in 1999 that upstate communities should be willing to help New York City out of its garbage crisis in exchange for the cultural benefits the City provides us.

Taken together, closure of New York City's Fresh Kills Landfill and NYSDEC's "self-sufficiency" policy has fueled commercial speculation in landfills. IWS and other waste companies hope more landfill space will be needed for downstate garbage.

The Casella Connection

Until 1994 IWS had the garbage hauling contract for the City of Buffalo, where it also owned and operated a

transfer station and a landfill. Then IWS got caught improperly charging the City of Buffalo for garbage from outside the city. IWS was mixing loads at its transfer station.

See NY Congressman Maurice Hinchey's discussion of IWS crimes on line at <http://www.carchive.homestead.com/>

That impropriety lost IWS the city's hauling contract. Last year Modern Landfill took over IWS's transfer station and Casella purchased IWS's Cheektowaga landfill.

With no real assets left, IWS's former employee Bill Heitzenrater surfaced as CEO of Southern Tier Waste Systems, Inc. (STWS), which now owns IWS. STWS was created at the same time Casella was purchasing waste facilities all over western New York.

Who is STWS, and who's financing it? NYSDEC also wants to know: they have asked Heitzenrater to document the exact corporate relations between STWS and IWS, and to disclose all business associations either IWS or STWS has had over the last ten years.

Neither Heitzenrater nor IWS have any experience operating a landfill of the size proposed for Farmersville. That's not true of Casella.

Casella Waste Systems is a rapidly growing New England company with a half-billion dollars in annual revenues. The company recently purchased these local waste haulers, transfer stations or landfills: Maple City Disposal, Westfield Disposal Service, SDS of Olean, the Portland C&D Landfill, the Hyland Landfill in Angelica and a number of hauling operations and transfer stations in Erie County, as well as IWS's Schultz Landfill in Cheektowaga. Former IWS engineer Vincent J. Grandinetti now works for Casella as Western Region Engineer, overseeing Casella's New York transfer stations and landfills.

Casella has a dismal record of violating environmental laws. In December of 2000, NYSDEC prosecuted Casella and two of its subsidiaries for dumping recyclables in landfills, in violation of municipal contracts under which it promised to keep recyclables separate from trash. In New England the company's landfills have been repeatedly fined.

See CCCC's website for a list of Casella's violations: <http://concernedcitizens.homestead.com/Casella.html>

Casella's long-term plan is to take control of local waste management from public authorities so as to divert more waste to its lucrative landfills. We think IWS's long-term plan is to obtain a DEC permit and sell it to Casella.

The County Legislature's Position

The County, together with the City of Olean, opposed the Farmersville landfill proposal in 1994, at hearings held in Franklinville before a NYSDEC judge. Those hearings were limited to whether the steep slope, proximity to the nearby Ishua Valley aquifer, and the presence of a protected plant

species Shrubby St. Johnswort would disqualify the site for a landfill. NYSDEC ruled it did not, inviting IWS to apply for a permit.

The County and City of Olean plan to oppose the 2002 permit application just as vigorously as they opposed the site review in 1994.

The County also devoted considerable resources to investigating whether there is a public need for a new county park in the area, in preparation for taking the landfill site by eminent domain. You can see the park plan on the county's website:

<http://165.121.183.2/bept/planning/parkplan/main.html>

On Feb. 27, 2002, the County Legislature prohibited by law any landfill unless it is needed to dispose of solid waste generated in the county.

The nine transfer stations in Cattaraugus County are still owned and operated by the county. But public control and public accountability for waste management is eroding. Casella has control of the waste stream generated by the City of Olean, the Village of Allegany, and a number of businesses. In New England, in areas where they've taken control entirely, waste management costs to the public doubled and recycling rates declined.

More, not less public control over waste management is needed. Otherwise, private landfill proposals will pop up in other towns to meet the needs of distant urban communities and large corporations, and costs will rise.

What's So Bad About A Landfill?

Seneca Meadows (Waterloo), CID (Sardinia), Niagara Recycling and Modern Landfill (Niagara Co.) have experienced serious violations of NYSDEC environmental regulations. Groundwater contamination and off-site exposures to toxic gases have occurred at these landfills.

Municipal solid waste landfills like these—garbage dumps—contain many of the same hazardous wastes found in more highly regulated landfills. They escape a higher level of regulation only because toxic substances in ordinary garbage—oil; synthetic chemicals in plastics and solvent cleaners; lead and arsenic in paint, pesticides; aerosols; toxic mercury from fluorescent lights; PCBs from light ballasts; the list is too long to detail here—are disposed by households and businesses in small quantities. But when disposed at a half-million tons or more each year in one spot the effect is no different than a hazardous waste landfill. In fact, EPA has found that the makeup of leachate discharged by an ordinary garbage landfill cannot be distinguished from a chemical waste dump's leachate.

After a landfill closes, NYSDEC regulations require 30 years of maintenance by the operator. After that, responsibility for the dump is the town's. That's because the town arranged to have the dump. All "arrangers"

retain liability for the long-term effects of millions of tons of buried garbage. Unlike private companies, which can dissolve, towns are here forever.

Cattaraugus County today pays about \$50,000 per year to take care of leachate produced by two closed landfills, Farwell on Route 16 and Five Points in Mansfield. These dumps contain only a tiny fraction of the 20-million-plus tons of garbage to be dumped under the IWS proposal.

Post-closure care covers only monitoring of groundwater and operation of a gas collection system. These activities are financed by a bond provided by the owner. However, the amount of the bond does not cover unforeseen outbreaks of toxic leachate, landslides, toxic gas leaks or other failures. Nor does it cover care beyond the first 30 years.

Under the town's contract with IWS, *once landfill operations begin* the town (not IWS) must pay out of royalties for additional fire fighting and emergency medical response equipment and personnel; special training for these personnel; construct new turn lanes on Route 16 and Route 98; and offset declining tax revenues due to property devaluations in the town.

That's all before the landfill closes. Afterwards a hazardous site will be left for the town. Hazardous landfill gas emissions at comparable landfills have been estimated to peak at the time of closure and remain at levels requiring expensive controls for another 150 years. The risk of hazardous releases to surface water bodies and groundwater remains substantial for an even longer period. Who pays to protect citizens against these risks? Who gets hurt if any of these risks become realities?

What's the Alternative to Landfills?

There probably isn't one. However, over 80 percent of what now goes to a landfill could be recycled. Packaging laws could introduce a policy that is common in Europe: the manufacturer that sells items with packaging materials is responsible for collecting those materials. We do this now with bottle return. In many cases taking materials back into the production process increases profitability. It encourages use of non-toxic reusable materials, saves energy and reduces waste for disposal.

But we'll always need a landfill for the waste that can't be recycled, reused, or not produced in the first place. The problem is that we have too much landfill space now. More landfill space will attract more garbage and create a disincentive for cities to reduce and recycle. New York City recycles less than ten per cent of its garbage and the current mayor just cut the city's recycling program in half.

Western New Yorkers don't need more landfill space. Cattaraugus County residents are ringed around with mega-landfills in all our neighboring counties. Chautauqua County wants our waste and can continue to take it for over fifty years.



Community concerns lead Franklinville Superintendent of Schools to shut down garbage incinerator

Concerns have been expressed since last spring that children at the elementary school were being exposed to dioxins and other extremely dangerous emissions from a 1973 sub-standard incinerator next to the school. Frequently, odors from incomplete burning of garbage—the main cause of toxic incinerator emissions—could be smelled at the beginning of the school day. Most burning was confined to nighttime hours, but school air intakes are nearby.

NYSDEC permitted the burning last summer but warned that incomplete burning would pose a health hazard.

According to the U.S. Environmental Protection Agency, “Failure to respond promptly and effectively to poor indoor air quality in schools can cause severe consequences. These include an increase in short- and long-term health problems (leading to more absenteeism), a greater risk that school rooms or buildings will have to be closed and students and staff temporarily relocated, and potential liability problems.”

See <http://www.epa.gov/iaq/schools/>

<http://www.cehn.org/cehn/resourceguide/nyhsn.html#Issues>

We applaud the Superintendent for responding these concerns.



Concerned Citizens of Cattaraugus County is a nonprofit 501(c)(4) corporation formed in 1991 in New York State. Contributions are not currently tax deductible, but are very useful in our work researching and distributing factual information to the people of Cattaraugus County and Western New York. Currently, Glen Chambers of Ischua is CCCC President. The current Board of Directors is composed of Mr. Chambers, Don Farrington of Franklinville, Franklinville businessman Scott Merkel, Farmersville residents Gary Green and Gordon Albright, and Olean residents Hal Jacobi and Marie Johnson.

Our goal is to keep the public armed with information not generally distributed by government officials or private corporations. Please help us in this effort. Membership dues (\$18 family, \$11 seniors) will pay for periodic mailings of newsletters and notices of public meetings and hearings, but don't forget to include your address and contact us if you ever move. If you want to volunteer, include your phone number in your response.

We urge new contributors to join our longstanding Farmersville members. To all those making contributions: THANKS!

✓ **CCCC's NEXT MEETING IS AT THE OLEAN PUBLIC LIBRARY ON MARCH 16 AT 2:00 P.M.**

Concerned Citizens of Cattaraugus County is ready to oppose the Farmersville landfill plan. As we've done in the past, we will speak for those in the community who believe this is bad development. Many believe the landfill proposal is a “done deal,” but we have a long road of hearings ahead. We don't ask often, but now would be the time to support us with your pocketbooks and your voices.

Special Farmersville Edition

A proposed major landfill to service urban and downstate garbage could be permitted on Route 98. The proposal will be reviewed later this year by NYSDEC, and permit hearings will be scheduled.

Do you know what the issues are?

For over a decade Concerned Citizens of Cattaraugus County has provided accurate and timely information about the impacts of the landfill if permitted, and the options citizens and public officials have to decide for themselves whether hosting a regional landfill is in their best interests.

Concerned Citizens of Cattaraugus County, Inc.

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