

Concerned Citizens of Cattaraugus County, Inc.

Vol. 9, No. 1

December 15, 2001

IWS Farmersville Landfill Proposal to be Reviewed by DEC

Permit Application Likely to be Accepted in Coming Months

Last August, for the third time since 1996 IWS submitted an application for a permit to NYSDEC. Previous submissions by the company have been rejected by NYSDEC as incomplete. The agency wrote to the company that, because September 11 is taxing its resources, it will not act on this version of the application till December, 2001, at the earliest.

See "Upcoming Permit Review" on page 2 for details.

Pressure Mounts for More Landfill Space in Upstate New York

Because the New York City landfill at Fresh Kills closed last March, there is renewed interest by the DEC to find more landfill space upstate. World Trade Center debris is being disposed at Fresh Kills, but no other garbage.

Four times a year the NYS Solid Waste Committee meets in Albany to develop recommendations to the Governor. The Committee has ignored one member who insists recycling laws and reuse practices should be the focus of a "zero waste" policy. Nearly 90 percent of what goes into landfills could be reused.

Instead, the Committee has developed a map of target areas for New York City garbage on which Seneca, Erie and Cattaraugus counties are highlighted. Committee members reportedly have said these counties are actively encouraging the importation of city garbage.

IWS Stays Alive with Help from Another Garbage Company

IWS and [Casella Waste Systems](#) have joined hands: *The Buffalo News* reported that former IWS employee Vincent J. Grandinetti now works for Casella Waste Systems' subsidiary, Casella Waste Management of New York, as Western Region Engineer. *The Buffalo News* also reported that the

unused portions of the Schultz Landfill in Cheektowaga operated by IWS, are now owned by Casella. (2/21/01, 2/22/01)

Casella is a rapidly growing New England company with over \$100 million in revenues in the most recent quarter. The company recently purchased a number of New York waste hauling businesses, transfer stations and landfills. **SDS Disposal of Olean** and the **Hyland Landfill** in Angelica were recently purchased by the company.

Casella has dismal record of violating environmental laws. Last December the New York Attorney General prosecuted three of Casella's 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. The company'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.

IWS Subject of Environmental Lawsuit

BFI, which owns another landfill bordering on IWS's Schultz Landfill, IWS, and manufacturers who dumped there have been sued by 39 residents and former residents who believe exposure to toxic gases from the landfill is connected to their high incidence of cancer, respiratory and autoimmune diseases. (*The Buffalo News*, 3/28/01)

Do We Need More Landfills?

Western New York already hosts over 90 percent of the landfill space available in the state. You can find out where these landfills are, and what kind of track record they have, on CCCC's website:

www.concernedcitizens.homestead.com –In fact, you can find more information on our website on just about every topic discussed in this newsletter.

Despite fears that New York lacks enough landfill space, over a million tons of space at existing landfills in the state is left unfilled every year. However, states like Pennsylvania and Virginia, where much of New York City's garbage is trucked,

are getting restive. Congress threatens every year to respond by passing new legislation that would allow states to limit the flow of out-of-state garbage across their borders.

Nevertheless, even if such legislation were passed (in seven straight years of debate it has not passed), garbage importing states would likely impose restrictions only slowly over time. Existing long-term contracts with landfills in those states prevent any sudden change in the market for waste.

Rather than increase landfills, New York should develop a waste reduction policy.

Upcoming Permit Review Farmersville Landfill Proposal

The DEC is processing IWS's application for a landfill permit. You can view the application at the DEC office in Allegany, next to UPS on East Union St., near St. Bonaventure University. Here are the details of what to expect in the coming months, as the review process goes public.

The basics . . .

First let's refresh everyone's memory on the basics of landfill permitting. In New York every landfill needs two permits, a local permit granted by the host town (not county), and a state permit granted by NYSDEC. DEC's requirements for permits impose minimum environmental protections. Once the landfill company shows it meets those requirements, DEC is obligated to grant a permit.

The Farmersville Town Board's position . . .

Towns are not bound by DEC's requirements. They can impose stricter requirements or ban landfills altogether.

In 1991, the Farmersville Town Board made the mistake of signing a contract with IWS that said, if IWS gets a DEC permit, the Town will grant a local permit. In 2000, the Town Board made its local landfill law more strict. After all, the landfill site is on a 30 percent slope and the dump's edge would be only 500 feet from the road. The top of the dump would be 600 feet over the height of the road surface. Whether a giant pile of garbage will fall down on to Route 98 is a major issue.

However, after IWS threatened a lawsuit the Town Board changed its law back again. The County Legislature offered to help the Town, but the

Town Board is reluctant to lose what it thinks will be lucrative fees (and no liability) from a new landfill.

The County Legislature's position . . .

This leaves the County with one opportunity to oppose the proposal, that is to participate in the DEC review. (CCCC's situation is much the same.)

What the DEC will do . . .

We expect the DEC to accept IWS's application for review in the next few weeks. Once they do, DEC will schedule a public hearing in the Franklinville Fire Hall. That will be followed, probably the next day, by an "issues conference." Those who want to participate in this conference must submit an application for party status ahead of time. The announcement for a public hearing will tell you how to do so.

Remember the 1994 hearings?

In 1994 hearings were held on the dump proposal in the Franklinville Fire Hall, but a DEC permit was not at issue. Instead, IWS asked for "conceptual" approval of the proposed landfill site, which was ultimately granted. This means the DEC has determined the actual property on which the landfill would be built is not directly over a drinking water aquifer (although it may contaminate drinking water sources by polluting surface water runoff).

The approval that came out of the 1994 hearings did not result in a permit to build a landfill. It only narrowed the issues to be reviewed later.

In March of 1999 another public hearing was held in the Franklinville Fire Hall. That meeting allowed the public to argue that the scope of the issues to be decided in a permit review should be broader.

In 1994 CCCC was represented by legal counsel from the University at Buffalo Environmental Clinic. The Clinic was discontinued in 1998. As a result we will have to find other representation to meaningfully participate in the review of the IWS proposal.

What IWS must do . . .

To get a permit, IWS must show that the specific engineering it will use can overcome these safety concerns: a steep slope, surface water contamination, protected St. Johns Wort stands on the site,

and the short distance to an important earthquake fault line. There may be other issues added by those who apply for party status. CCCC intends to apply, and will need your support for research and legal representation. The County will also apply, and needs your support and encouragement.

An administrative law judge will decide whether to schedule additional hearings on issues raised in the 1999 scoping hearing and the issues conference. If he decides to go forward with additional hearings, these will be like trials at which those accepted as formal parties may bring evidence that specific environmental risks cannot be adequately addressed by IWS's engineering plan.

A permit could come soon . . .

We can expect a permit decision about two months after these trial-type hearings are concluded. If it gets a permit, CCCC expects IWS will sell their rights to a landfill to [Casella Waste Systems](#), with which they have developed a close relationship.

What Happened to the Park Plan?

Farmersville needs a park. Hunting, fishing and other recreation is the town's biggest industry. Most real estate transactions are associated with this industry.

In 1997, the County completed plans and an expensive impact study for a park on the landfill site. It found there was a county-wide need for a park in the Farmersville area. It also found it had the power to take the land for the fair value of its present use as vacant farmland.

CCCC believes the park plan should go forward. Hunters and vacationers would stay in the park and real estate values around the park would go up. The county's recreation economy would be stimulated. A park would enhance the town's existing recreation industry with no new expenditures, beyond the cost of the land.

If the County were to pay IWS for the land, as once planned, the dump permit review would end.

Where Our Garbage Goes

Cattaraugus County produces less than 30,000 tons of solid waste for disposal. About 20,000 tons of waste is recycled. The proposed Farmersville landfill would accept 600,000 tons per year, or

3,000 tons per day, little or none of it from inside the county.

All of our waste produced for disposal is sent one of the many mega-landfills in the region. There are no active landfills in the county. Two closed landfills, at Farwell in the Town of Ischa, and at Five Points in the Town of Mansfield, must be managed to draw off millions of gallons of toxic leachate annually, at a cost to county taxpayers of about \$100,000 per year.

The County pays \$24 per ton to dispose of garbage at the publicly owned and operated Ellery Landfill in Chautauqua County. That's about the lowest price for disposal anywhere in the state. Total annual cost of garbage disposal for county government is about \$800,000. This represents about one-third of all garbage produced for disposal; the rest is produced by businesses which pay their own disposal costs.

Although the county receives revenue from recyclables, these materials result in a net cost to manage because the market for such materials fluctuates. Residents can dispose of recyclables for free at eight transfer stations in Salamanca, Allegany, Portville, Mansfield (Five Points), Machias, Conewango, Dayton and Onoville. Managing recyclables adds less than \$50,000 to the total cost to county taxpayers for waste management.

The County Legislature adopted a landfill law in March, 2000, which requires much stricter protections than state law provides. However, the law applies only to landfill proposals in towns that have no landfill law of their own. Towns are free to adopt even stricter landfill laws or to ban landfills from their town. The Town of Farmersville has a landfill ban law. Unfortunately, the town thinks it has "grandfathered" the IWS proposal and has no options.

CCCC's 10th Anniversary Membership Meeting

Further discussion of actions citizens in Cattaraugus County can take to decrease the chances of a massive commercial garbage dump will take place *Saturday, January 12, 2002, at 2:00 PM in the Franklinville Town Hall.* CCCC will also hold an election for officers and directors. If you'd like to become more active, this is time to come forward.

To Find out what you can do about this and other local environmental matters, write to: Concerned Citizens of Cattaraugus County at P. O. Box 23, Franklinville, NY 14737. If you would like to join the group or make a contribution, please be advised of the following:

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, Blanche Chambers of Ischua, Fr. Jack Wolff of Ischua, Gary Green of Farmersville (Secretary), Gary Abraham of Allegany (Vice President), and Romy Knittel of Olean (Treasurer).

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 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 have not solicited our members for payment of annual dues for some time. If you get this newsletter by mail with a red mark on your address, you paid membership dues last time we asked. The red mark means you haven't contributed in the last year and we ask you do so now. We also urge new contributors to come forward. To all those making contributions: THANKS!

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. We appreciate everyone staying on board over the long haul. The landfill proposal is going forward again. We don't ask often, but now would be the time to support us with your pocketbooks and your voices.

Citizens in the towns of [Albion](#) (Orleans Co.), [Brant](#) (Erie Co.) and [Ava](#) (Oneida Co.) are actively fending off proposals for new dumps like the one proposed for Farmersville—in [Lewiston](#) (Erie Co.), [Chaffee](#) (Erie Co.) [Waterloo](#) (Seneca Co.), Schuyler Falls (Clinton Co.) and [Goshen](#) (Orange Co.) citizens are resisting expansion of existing commercial dumps that have been nightmares—in [Angelica](#) (Allegany Co.) citizens were unable to stop their town from settling a lawsuit with Hyland Landfill, and they host a new dump. Meanwhile, New York state and its cities have decreased their recycling and waste reduction rates, expecting rural counties to offer their clean air and land for massive piles of urban garbage.

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