

THE DAILY NEWS

Saturday / Sunday,
February 24-25, 2007

Batavia, N.Y.

Serving Genesee, Wyoming and Orleans Counties

\$1.00

Court deals final blow to Albion landfill

By Tom Rivers

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ALBION — It's finally over. After nearly a decade of court fights, the push to build a new landfill in Albion ended Thursday in the state Court of Appeals.

"It's just been a long road — It's been a lot of hard work," said Patricia

Wood, director of Stop Polluting Orleans County, a citizens group that formed in 1983 to voice concerns about the Orleans Sanitary Landfill.

That operation was shut down in 1991 and went bankrupt. OSL operators John and Irene Smith were fined by the state Department of Environmental Conservation for accepting too much garbage and often bringing

in trucks at night. Wood said the neighbors suffered with OSL. Sometimes leachate, the garbage juice in the landfill, leaked out across the side roads, leaving a trail of maggots, Wood said.

Town Supervisor Gene Christopher has relatives who live around the landfill. One of his aunts even laid down on the road in front of garbage

trucks to prevent more waste from being dumped in Albion.

"It goes back so long and it hasn't been a good thing for Albion," Christopher said about landfills, which first started in 1968 in the town with the 18-acre McKenna Landfill. OSL followed with a 40-acre landfill and Waste Management wanted to build a 78-acre facility that would

have towered 200 feet high. All three would have sat next to each other between Densmore and Transit roads.

The DEC approved a permit for Waste Management, but the company still needed the town's blessing. Christopher was strongly opposed to the new landfill. He said the project

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would hurt tourism efforts to promote the Eire Canal and draw too many garbage trucks through the community, especially past the Albion school campus on Route 31.

Since the Town Board's vote to deny in May 2003, every court has upheld the decision. The state Supreme Court in May 2005 backed the Town Board's vote. Last September, the state Supreme Court, Appellate Division, dismissed a petition by Waste Management and the bankrupt OSL estate to overturn the state Supreme Court. The final blow for Waste Management and OSL came Thursday when the Court of Appeals denied the motion to appeal the Appellate Division.

"This is really an affirmation of our system," said Dan Spitzer, the town's attorney the past 11 years in the landfill saga. "When elected officials make decisions based on sound reasons the courts will support them."

Waste Management officials and

Craig Slater, the trustee for the bankrupt OSL estate, didn't respond to requests for comment on Friday.

Spitzer said the town gave the application a fair review, which it agreed to do after being sued by the OSL estate and Waste Management for passing laws in 1996 banning landfill expansions. A year later, the town settled, agreeing to review the proposal in exchange for WM and OSL dropping the \$18 million suit.

Spitzer said the town had good reasons to deny the project.

He noted in court that a much-larger landfill along the Erie Canal would pose serious environmental problems. If a landfill leaked, it would be difficult to trace the leak to which of the three landfills was polluting the community, Spitzer said in court. That and the added traffic were among the many issues raised by the town, including noise, seagulls, wetland degradation, and social and economic impacts on the community.

The landfill would attract 850 vehi-

cle trips to the town, with about 80 percent going past Albion schools on Route 31. Those vehicles included 117 garbage trucks and 199 solid material and other heavy commercial trucks. If permitted, the landfill would draw hundreds of garbage trucks through the community, six days a week, for at least 16 years.

State Supreme Court Judge Michael B. Hudson in his May 2005 decision said the new landfill would be "a significant negative visual impact." He said the visual simulations for the landfill mostly portray views of the 78-acre facility after it is closed and capped, and not during the 16- to 18-year operational life of the project.

In rejecting the landfill, the town is giving up about \$500,000 annually as part of a "host community benefits package."

Christopher and the town officials elected since 1996, when SPOC and the Albion Coalition began pushing for anti-landfill candidates, always said the Waste Management money was not

enough to sway the community.

Spitzer said the final decision will prove the naysayers wrong. Many in the community told the Town Board the fight was futile, that Waste Management would find a way around the town's decision.

"Sometimes when you're a small community and go up against a big corporation and the state, people assume you have no chance of winning," Spitzer said.

Christopher said he wants to have a community celebration as soon as the weather warms up.

Wood, the SPOC leader, said many in the community helped keep out a new landfill, whether they ran for Town Board or sent \$5 donations to SPOC.

"I thank the Town Board for hanging in there because some Town Boards wouldn't have," she said. "But this is a compilation of a lot of peoples' efforts over a lot of years."