

Concerned Citizens of Cattaraugus County, Inc.

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Farmersville Dump Hearing Next

Because over 1,000 comments were submitted by the public to the DEC by January 2, the comment period has been extended to the date of a public hearing. We urge [all who submitted comments](#) to speak at the hearing. Tell the judge who presides over the hearing what you think about the Farmersville landfill proposal. Take this time to take a hard look at [the IWS permit application](#) at the Olean Public Library, the Franklinville and Farmersville town halls, Assemblyperson Cathy Young's office at West State in Olean, or the Allegany and Buffalo DEC offices. See our [online guide for preparing public comments](#).

Slope Stability At Issue

The application for permits to construct a major regional landfill in Farmersville has been accepted as complete by the DEC. "Completeness" in the DEC permitting context simply means that an application is ready for substantive review. It does not mean that the application contains all the information necessary to meet regulatory and statutory requirements.



arrows show access road

One of the big issues is whether the engineering plans submitted by IWS are adequate to keep a dump this size from collapsing. That's exactly what happened in 1998 at the Rumpke Landfill in Ohio.



Rumpke Landfill

Route 98 borders the IWS landfill site much like the access road that was buried in the Rumpke Landfill collapse. In addition to the hazard to

travellers, such a collapse would deposit decomposing waste into the sensitive watershed below the site.

What's Next?

DEC Judge Kevin Cassutto will preside over public hearings on **March 30 at the Allegany Community Center** (188 W. Main St. in the Village) and **March 31 at the Franklinville Fire Hall**. Two hearings will be held at 2 PM and 7 PM each day. Judge Cassutto will also hold a conference on issues requiring a trial-type hearings, on **April 27 at noon at the Machias Fire Hall**. To participate, potential parties must file a petition with the judge by April 5. [See the DEC's hearing notice for instructions](#).

The hearing notice will include instructions for how to apply and qualify as a party to further hearings. However, **anyone can provide comments at the first public hearing**. Commenters can speak informally; if you have written comments, you can summarize them orally and submit them to the judge at the hearing, or to the DEC any time up to the hearing.

To allow everyone to speak, plan on speaking at only one of the four sessions. However, you can attend them all.

Following the first public hearing, probably the next day, an **issues conference** will begin, and may extend over several weeks. An application to be a formal party in further hearings is required to participate in the issues conference. All other concerned citizens may attend and observe because the issues conference is open to the public.

The purpose of party status applications is to propose issues that could alter the outcome of the permitting process. If the ALJ decides there are issues important enough to "adjudicate," additional hearings will be scheduled. Such **adjudicatory hearings** allow qualified parties to bring evidence and offer testimony, including expert testimony, subject to counter-evidence from IWS. Extensions of time to gather evidence and respond to other parties' submissions are common, often resulting in the adjudicatory hearing lasting over a year.

Some time after the adjudicatory hearings close the

ALJ will issue a Recommended Decision on whether IWS should be granted a landfill permit.

One or more parties are likely to appeal the ALJ's recommendations to the Commissioner of the DEC. Sixty days are allowed to prepare appeals. Within another 60 days from the last date allowed for appeals, the ALJ's recommendation could be acted upon by the Commissioner of the DEC, who must issue a Final Decision granting or denying a permit to construct the proposed landfill. The Commissioner's final decision can be (and often is) challenged in a court.

Proposed Farmersville Landfill Will Affect the Health of Residents as well as Employees

Lori L. Clovis, M.A.

A basic search for scientific and medical studies on landfill impacts reveals that health effects are significant and serious.

Cancer

Residents who live near landfills are at increased risk of developing cancer. A study by Mark Goldberg, et al., published in the July 1999 issue of *Archives of Environmental Medicine*, confirms previous research that suggests prevalence of certain cancers increases with proximity to municipal solid waste landfills. This study, which reports on the incidence of cancers in a resident population in Montreal, Quebec, found that landfills "generate large quantities of methane and other gases including a rich mixture of volatile organic compounds, some of which are accepted or suspected carcinogens" (291). The study reports that men who live near the Montreal landfill have increased rates of cancer, specifically cancer of the liver, kidney, pancreas, prostate, and non-Hodgkin's lymphomas. Building a landfill in Farmersville would ultimately increase the cancer rates in the western New York area, a region that has already documented above-normal rates of many cancers.

Birth Defects

Other research suggests that landfills increase the rates of some birth defects. A study of 23 European landfill sites published in *The Lancet* (2002) found that residents who live near landfills are at increased risk of having children with chromosomal congenital anomalies, leading to birth defects such as Down's Syndrome. This increase in chromosomal abnormalities, according to *The Lancet*, may be as high as 33% and proportionally decreases with distance from the

landfill. Similar results were found for non-chromosomal abnormalities.

Increased abnormality in chromosomes seems to be related to exposure to sites containing plastic chemicals, a hypothesis confirmed by the fact that plastic chemicals such as styrene have been found to induce chromosomal abnormalities. An August 18, 2001, study published in the *British Medical Journal* found that "pregnant women who lived close to a landfill were slightly more likely to have a child with a birth defect than those who did not" (351). In addition, pregnant women living near landfills have an increased risk of premature birth and low birth weight babies (*Hazardous Waste*, 1985).

Other Disorders

The incidence of respiratory illness also increases with proximity to landfills (*Journal of Environmental Health*, 2000; *Environmental Health Perspectives*, 2001). In addition to the health effects caused by landfill gas, a 2002 study in the *Journal of the American Medical Association* suggests that increased truck traffic to such sites increases the risk to residents of lung cancers and asthma as well as other cardio-pulmonary diseases. The research supports the hypothesis that increases in diesel soot emissions caused by increased truck traffic increases elemental carbon in the atmosphere and this increases cancer-causing air pollution. In addition to such health risks, increased truck traffic also leads to more accidents, especially on rural roads.

Landfill Employees

However, residents, however, aren't the only ones who will experience health consequences. Several studies suggest that landfill employees are at greater risk for developing serious health problems. A November 1997 study published in the *Journal of Occupational and Environmental Medicine* found a "higher prevalence among landfill employees of work-related dermatologic, neurologic, hearing, and respiratory symptoms, and sore and itching throats than among off-site employees" (1103). Symptoms were not related to any specific job title other than being employed at the landfill. This study was replicated by a 2000 *Environmental Health* study which showed that landfill employees had a higher rate of work-related neuromuscular, respiratory, hearing, dermatological, and gastrointestinal disorders, and work-related injuries than among control participants. The researchers suggest that this increase is the result of high amounts of airborne dust, bacteria, and fungi "within the

breathing zone” (17).

Such increased health risks are worrisome, especially in an area already beset with increased rates of cancer, multiple sclerosis, and other serious diseases. More information and an extensive [bibliography](#) of scientific and medical journal articles on the health effects of landfills (including all references in this article) are available at the CCCC website.

Federal Agencies Team Up to Approve Radioactive Waste for Landfills

excerpted from Nuclear Information and Resource Service (NIRS), press release

The US Environmental Protection Agency is planning to make a new rule that would allow nuclear waste to go to places that are not licensed for radioactive materials.

The goal appears to be to redefine radioactive materials, no matter what their source (nuclear power, nuclear weapons, naturally occurring or other), based on EPA-calculated and projected risks. The new category of nuclear materials would supposedly not need radioactive regulatory controls. However, EPA does not consider all the potential health effects of radiation and hazardous materials in estimating the risks.

First, EPA would allow mixed wastes (radioactive and hazardous wastes) to go to specially permitted hazardous waste dumps and processors.

Second, radioactive waste (not mixed with hazardous waste) could be permitted to go to places that do not have special permits, such as regular garbage dumps or incinerators or hazardous sites. EPA justifies this by claiming they will provide an acceptable level of protection from radiation risk. It seems obvious this would be a problem for communities around the waste sites, many of which already leak.

Third, EPA suggests that a non-regulatory approach to management of radioactive waste is an option and requests creative ideas for partnering with waste generators or other schemes to relieve the regulatory burden. Nothing would prevent radioactive materials from going to recycling facilities and being mixed with the normal recycling streams which are made into everyday household items like toys, cookware, personal use items, cars, furniture and civil engineering projects like roads and buildings.

This dangerous proposal dovetails neatly into the US Nuclear Regulatory Commission’s effort to deregulate and release radioactive material from control, ironically called “Control of Solids.” The NRC is considering several options for nuclear waste deregulation including sending the waste to sites that are not licensed for nuclear materials. NRC is claiming they could approve “restricted” release of nuclear waste meaning certain conditions would apply but NRC would not enforce them--someone else, as yet un-named would.

The upshot is that NRC and EPA are joining forces to allow nuclear power and weapons waste which is now generally required to be regulated and controlled, to be released to waste sites never designed to take radioactive materials, and either deliberately or unintentionally released to the marketplace where it will come into routine daily contact with us, our children and the environment.

What you can do

Send a letter to the new EPA Administrator Mike Leavitt telling him what you think of the EPA's proposed action, encouraging him withdraw it:

Administrator Mike Leavitt, U.S.
Environmental Protection Agency
1101A Ariel Rios Building
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20460
leavitt.michael@epa.gov

or on the web:

a-and-r-Docket@epa.gov

The proposal is on the EPA website (www.epa.gov/radiation) and will be posted with comments on the NIRS website (www.nirs.org) soon. *Comments are due to EPA by March 17, 2004.*

“E-waste” expected to become an even bigger problem

Is technology making you sick? If it hasn’t yet, it just might—given the environmental crisis brought on by electronic waste.

The U.S. Environmental Protection Agency calculates that more than 3.2 million tons of electronic waste is laid to rest in landfills each year. The Cellular Telecommunications and Internet Association estimates that 30 million retired cell phones will contribute to that pile as a result of cell-phone-number portability in 2004 alone.

According to the EPA, the environmental threat of e-waste is serious and global. Television picture tubes and computer monitors contain an average of four pounds of lead. Both cell phones and personal computers contain other potential toxins, such as chromium, cadmium, mercury, beryllium, nickel, zinc and brominated flame retardants— all of which can leak into groundwater and contaminate soil.

Fortunately, over 95% of PC materials are reusable, from the disk drive and memory to gold and silver used in the circuit board wiring; lead can be harvested from solder and computer monitors; copper can be mined from wires and internal circuitry. The options for technology reuse and recycling are many.

One option for getting rid of your old PC is to donate it to family, friends or a local charitable organization. But if your computer is not usable, find another option.

E-cycling. Most manufacturers, including IBM, Dell, Hewlett Packard, Gateway and Micron, offer some sort of recycling program. With fees ranging from \$15 to \$50, consumers can pay to have their computer shipped and recycled.

Many corporations and larger businesses sign agreements with manufacturers to safely dispose of their old computers when upgrading to new equipment. But smaller businesses and residential PC-users have to find their own safe disposal program.

Hewlett-Packard has its own recycling program and will pick up any computer product of any brand for a fee ranging from \$14 to \$34. The service includes a coupon for future purchases.

Charleston's Bees Ferry Landfill is the only state-permitted e-waste facility in South Carolina. "We're not mandated to separate e-waste from the landfill, but we're doing it, because we know the heavy metals should not be included," says Christine DeStefano, marketing specialist for the Department of Solid Waste and Recycling.

Ringling endorsements. With the 30 million estimated cell phones to be retired this year as a result of number portability, recycling programs are more important than ever. The cellular industry has been pushing programs such as Wireless Foundation.org, ShelterAlliance.net and WirelessFundraiser.com, which either refurbish or sell the phones and give a portion of the profits to domestic violence shelters or other designated

charities.

Global threat. In recent years, more than half of U.S. electronics collected for recycling have gone to India, Pakistan or other countries where workers taking apart the old machines handle toxic materials that could pose serious health problems. In these countries, computer recycling involves employing people to strip down the computers and extract parts that can be used again in machines to be sold as refurbished products. The rest is then burned or dumped, both of which are potentially highly hazardous to the environment.

Plugging in. The National Electronics Product Stewardship Initiative (NEPSI), supported by the EPA and composed of representatives from federal and state agencies, the electronics industry, and environmental groups, is finalizing a proposed model system for e-waste recycling and disposal. Through this initiative, the groundwork will be laid for development of a national e-waste collection and recycling system. The NEPSI proposal includes support from large companies within the retail sector to act as "drop-off" points for obsolete electronics and a viable financing plan.

Because donation programs and recycling initiatives are making it easier for technology users to do the right thing, the EPA is hoping to put a brake on uninformed and unchecked electronic dumping. Reuse and recycling of computers and phones can become a new way for business owners to show environmental and community responsibility.

Excerpted from Charleston Business Journal (January 12, 2004), by Sarah G. McC. Moise.

EPA Proposes to Exclude Solvent-Contaminated Wastes from the Hazardous Waste Category

On January 30, 2004, the EPA extended the public comment period on its proposal to exclude "solvent contaminated industrial wipes" from classification as hazardous waste. The proposal would allow such wastes to be disposed in a regular solid waste landfill.

The EPA's full proposal appeared in the Federal Register on November 20, 2003 ([68 FR 65586](#)). The comment period will now end on March 19, 2004.

Few people read the Federal Register EPA notices on a regular basis. However, those who do know that the EPA excludes from the "hazardous waste" category a new type of waste about once a week. That is, when such a notice comes out and the comment period passes, wastes that were yesterday not permitted to be disposed in a regular solid waste

landfill like the proposed Farmersville landfill, today get to be dumped in with residential garbage.

This should make the public wonder what they're getting with a major regional landfill. You'll hear "state-of-the-art" containment system and "municipal solid waste only," but that's not what you'll get. Read the draft permit: it will say in plain black-and-white, "the landfill shall be operated in accordance with 6 NYCRR Part 360," and Part 360 says its purpose is "to regulate solid waste management facilities, other than hazardous waste management facilities." 6 NYCRR Part 360-1.1 .

The draft permit for the proposed Farmersville landfill is on our website. It says the landfill would accept non-hazardous waste, contaminated soil, construction and demolition debris, and sludge from three sources: water treatment plants, sewage treatment plants, and air pollution control device (like industrial smokestack scrubbers, designed to take hazardous pollutants out of factory emissions before they go into the environment).

What goes into a modern landfill?

Regulations distinguish between "hazardous waste" landfills and "solid waste" landfills. But that doesn't mean "solid waste" is not hazardous.

For example, household hazardous waste is exempt from classification as "hazardous waste." This includes solvents, chemicals found in cleaning liquids, dissolved or decomposing plastics (which contain synthetic organic compounds not found in nature), mercury from lamps, and all kinds of stuff people should be recycling but don't, like batteries, oil, and paint.

Household waste also includes the coatings in packaging which commonly contain toxic metals, including lead, mercury, cadmium and hexavalent chromium, linked to mental retardation.

As the article below on "e-waste" shows, many of these hazardous substances are contained in TVs, radios, PCs and cell phones commonly dumped in landfills. The article below on landfill gas shows these substances are stripped from the waste by methane molecules and emitted into the air.

The stuff that gets dumped in a regular landfill is therefore often just as hazardous as industrial "hazardous waste" and, when a landfill is full of it, it's hazardous too. In fact, the EPA has said it cannot tell the difference between the leachate from a "solid waste" landfill and a "hazardous waste" landfill.

Find out why municipal waste is in many ways as toxic as more highly regulated "hazardous waste," on [our website's "Toxlinks" page](#).

EXCERPTS FROM OUR WEBSITE . . .

Garbage has to go somewhere, doesn't it?

If that means there aren't enough dumps, think again: each year over a million tons of permitted landfill space in New York goes unused. The DEC reports [tens of millions of tons](#) of permitted landfill space exists in New York today.

Don't environmental regulations protect us?

Not as much you might think. The DEC's regulations provide minimum protections which towns are free to add to. In New York, landfills must obtain a state permit from the DEC and a local permit. Without both permits, IWS can't have a dump in Farmersville. But Farmersville's local landfill law provides that if a landfill gets a DEC permit, the Town will automatically issue a local permit.

The DEC regulations provide for two liners. The bottom liner is 24 inches of clay soil, additional fill, and another 24-inch layer of gravelly soils with pipes installed to capture toxic leachate, pump it to tanker trucks, and send it off to a sewer treatment plant. The clay layer is separated from the leachate collection system by a plastic liner about a quarter-inch thick, heat-welded together in strips.

IWS can't meet the minimum environmental protections

The DEC regulations require [five feet of separation](#) between the bottom liner system and the seasonal high point of the groundwater table. But active springs dot the Farmersville site. This means the soil surface is the groundwater table high point. Unable to meet the requirement, IWS is requesting a variance (or waiver) from that regulation. IWS proposes a "porewater collection system" designed to draw off groundwater before it forces its way into the landfill bottom liner.

This will result in *no separation* between the bottom of IWS's proposed landfill liner and the groundwater table.

The top liner is another layered system of gravelly soils with gas pipes installed to draw off toxic landfill gas, 24 inches of clay soils, and vegetation to stabilize the landfill cover. This is supposed to keep rainfall and snowmelt from entering the waste and producing more toxic leachate. However, IWS wants a variance from this requirement too, asking

for permission to use 12 inches of clay soils instead of 24 inches. They say the extra 12 inches will cut into their profits because it reduces the air space they can use for waste.

More on Landfill Gas

In the early 1990s, research identified landfills as one of the top 26 most significant sources of hazardous air pollutants in the nation. This led the EPA in 1996 to issue new rules requiring the control of landfill gas. These rules require large solid waste landfills to install costly gas collection and control systems to control emissions of non-methane organic compounds (NMOC).

The EPA says NMOCs are made up of mostly volatile organic compounds (VOC) --synthetic chemicals that evaporate in air-- including 30 hazardous air pollutants (HAP), such as vinyl

chloride, ethyl benzene, toluene, and benzene. Breathing these is linked to respiratory, neurological, developmental and learning disorders. See [65 Fed.Reg. 66672 \(Nov. 7, 2000\)](#).

Even if it fully complies with requirements to control landfill gas, the EPA estimates a landfill's air pollution control system will collect only 75 percent of the gas produced, allowing 25 percent to escape uncontrolled into the environment.

In addition, the way landfill gas is controlled creates its own problems. The gas must be piped to a flare (as proposed for the Farmersville dump) or other combustion device, which can become a major of carbon monoxide. Flares are also very noisy, and they must be run 24 hours a day, every day of the year. An outage of fifteen minutes or more is a violation of the Clean Air Act.



[CCCC's Board of Directors](#) are Scott Merkle (President), Don Farrington, Glen Chambers, Gary Green, Hal Jacobi, Marie Johnson, Dr. Frank Bohan, Maureen Sheahan-McClure and Jack Blumenthal.

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--haven't increased in 13 years) will pay for periodic mailings of newsletters and notices of public meetings and hearings. Special contributions are particularly welcome at this time, to help pay the cost of research and representation in the DEC permit proceedings.

What's "Development"?

Shouldn't we be developing the beauty of the county we boast is "Naturally Yours"? Should we allow our population centers to revolve around commercial strips that funnel more and more of our resources to distant corporations? Is there nothing distinctive about our communities that offers a quality of life that will attract and retain residents rather than send our sons and daughters to big cities? Are we just a dumping ground and resource for the cities?

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