

Concerned Citizens of Cattaraugus County, Inc.

Volume 15, No. 1

WWW.HOMESTEAD.COM/CONCERNED CITIZENS

April, 2007

**REMEMBER, CCCC EXISTS
TO PROTECT YOUR HEALTH
AND WELL-BEING**

- CURRENT MEMBERS: HAVE YOU PAID YOUR MEMBERSHIP DUES?
- PLEASE UPDATE YOUR CONTACT INFORMATION, ESPECIALLY YOUR EMAIL ADDRESS

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Senator Jim Alesi (Monroe County) has proposed an 18-month state-wide moratorium on wind turbine development. To support this call, write or email—220 Packetts Landing, Fairport, NY 14450 or phone (585) 223-1800 alesi@senate.state.ny.us

NEXT MEETINGS

The April meeting of Concerned Citizens will be on Thursday, April 5th at Franklinville town hall, 7 p.m...May 3, June 14, July 12. Same time and place.

Wind Turbine Hearing Date 4/19

The Farmersville public hearing concerning the wind turbine legislation that was scheduled in March has been re-scheduled for April 19 because the notice of the hearing failed to mention that a local law would be the subject of the hearing. As a result, citizens have another opportunity to submit into the record comments and supporting documents showing the potential effects an industrial wind farm could have on the community.

One concern is that there is no definition of background noise in the proposed local law.

WIND POWER DEVELOPMENT INFORMATION

Why Upstate New York?

Wind energy companies have targeted upstate New York for the placement of wind turbines for a variety of reasons:

- * Mandated Renewable Portfolio by Gov. Pataki and NYS legislature

- * No zoning/placement requirements within targeted communities

- * Tax subsidies and PILOT Payment In Lieu Of Taxes) programs

- * Proximity of electric grid and the ability to plug into it

Property Values

Will the prospect of being surrounded by dozens of industrial wind towers affect the attractiveness of the area for buyers of property and new homes?

Realtors in towns with wind towers indicate that the negative impact on property values and property sales has already started. Long term, the potential flight of landowners and reductions in the value of recreational, vacation home and retirement property could also have a severe negative impact on tax revenues.

That's because most of the areas selected for wind towers are not only agricultural. A majority of the land is residential and recreational, and for many a place to get away from it all. Given a choice between quiet countryside and the grinding noise and visual blight from a wind turbine, what would you choose?

Wind developers have said that the locations of the wind towers are remote. Yet some are located in actual residential areas.

- * An overwhelming majority of leased properties are small.

- * Assessment needs to be done of the potential impact of Wind Turbine Generators (WTG) on adjoining smaller landowners, with emphasis on

viewshed, noise, health and safety, and flexibility for the future use of the properties.

- * Setbacks are a form of zoning in reverse.

- * Adjacent, non-participating property owners have diminished usefulness of their land for building homes and cabins, or even using the property in peace, quiet and safety from potential WTG-related incidents. On properties smaller than 10 acres, the placement of a WTG nearby effectively confiscates a large percentage of the usefulness and value of the property without compensation to the landowner. Therefore, WTG placement, shadow flicker and visual impact should be assessed *from property lines*.

- * A survey of the impact of 22 turbines on citizens and landowners in the Township of Lincoln, WI asked 'How close to the wind turbines would you consider buying or building a home?': "61% stated they would not build or buy within one-half mile of turbines, 41% would have to be two or more miles away from turbines in order to build or buy, and 74% would not build or buy within one-quarter mile of turbines." Additional conclusions were: "Sales within 1 mile away prior to construction were 104% of the assessed values, and properties selling in the same area after construction were at 78%, a decrease of 26 points. Sales more than 1 mile away prior to construction were 105% of assessed values, and sales of properties 1 mile or more away after the construction of the turbines declined to 87% of the assessed value, an 18% decline."

Source: 12/04/03 Final Report of the Township of Lincoln Turbine Moratorium Committee (available upon request).

See this site for more information:
<http://www.savewesternny.org/>

West Valley

In the 1960's, Nuclear Fuel Services began dumping radioactive waste and reprocessing nuclear fuel in West Valley, New York, a small farming community 50 miles south of Buffalo. Following personal accounts of accidents, mishandling of high-level wastes and bad planning, the Coalition on West Valley Nuclear Waste was formed as a citizen's watchdog group. Thirty years and numerous radioactive leaks later, the Coalition is still demanding the long-term safety of the site.

WEST VALLEY CONTAINS HIGH LEVEL NUCLEAR WASTE

The West Valley Nuclear Site started in the 1960's and was operated by a private company as both a nuclear waste repository and a facility to reprocess spent nuclear fuel. Due to many accidents and leaks, the reprocessing operation was shut down. West Valley still contains high-level radioactive waste and the site is still leaking radioactive material into the watershed. When part of the burial site was exhumed in 1986, they found fifty-gallon drums with ruptured welds and lids sealed with duct tape. Plutonium leaked into nearby streams. Cleanup of the site is now managed by the Department of Energy (DOE).

THE DOE WILL SOON MAKE AN IRREVERSIBLE DECISION

The Department of Energy has stated publicly that it favors leaving high-level radioactive waste on-site. Their plan calls for burying the contaminated areas in concrete, closing the site and walking away from the project. The DOE will soon make a final decision on West Valley.

DIG IT UP! ABOVE-GROUND, MONITORED, RETRIEVABLE STORAGE

For 30 years, the Coalition on West Valley Nuclear Waste has been the citizens' watchdog group working to ensure the safety of future generations. The Coalition believes that the waste at West Valley must be kept in above-ground, monitored, retrievable storage until a suitable long-term storage facility is found. If new leaks occur we will know about it and we will be able to fix it. The DOE's plan puts the waste "out of sight, out of mind."

WEST VALLEY IS NOT SUITABLE FOR LONG TERM STORAGE

West Valley is not a suitable place for long-term storage of nuclear waste. It is built on erosion-prone clay and gravel. In 1996, the Department of Energy calculated that within five hundred years radioactive materials will begin washing into the Great Lakes Watershed. The materials at West Valley will remain lethal for hundreds of thousands of years. We can't guarantee there will be funding to deal with this problem five hundred years from now. Will there be a government? Do we want to burden future generations with our waste?

WE MUST PRESSURE THE DOE TO DO THE RIGHT THING: DIG IT UP!

The Coalition started a nationwide campaign: Dig It Up! Look for articles, bumper stickers, rallies and resolutions in the near future.

In March 1996, NYSERDA and DOE issued a Draft Environ-

mental Impact Statement (DEIS) for public comment which focused on evaluating closure options for the future management of facilities at the Center. During the development of the DEIS, NYSERDA perceived a need for broader public participation, above and beyond the public comments on the DEIS, to help in the development of a closure option for the Center. Forming a community advisory group seemed to be the best way to ensure that the issues and concerns of the community were understood. To make this a reality, NYSERDA, along with the support of DOE, initiated the formation of the West Valley Citizen Task Force.

The West Valley Citizen Task Force, a 17-member advisory group, held its first meeting in late January 1997. In July 1998, the Task Force submitted its Recommendations Report, to NYSERDA and DOE, on policies, priorities, and guidelines for the clean up, closure, or long-term management of the Center. Since 1998, the Task Force has met regularly to discuss a variety of issues regarding facility closure and long-term management of the Center. The mission of the Task Force has expanded into other areas including future site use, long-term stewardship, and regulatory issues. The group has provided several sets of comments to the U.S. Nuclear Regulatory Commission on its policy statement on the decontamination and decommissioning criteria for West Valley. The Task Force is also active in keeping the Congressional Representatives from the Western New York Region informed about the ongoing issues at the West Valley Site.

The objectives of forming the Task Force are to:

Provide a forum for open discussion of related issues by community representatives;

Identify and understand the various interests of the community and other interested parties;

Increase the flow of information between DOE, NYSERDA and the Task Force Members (and their constituencies);

Expand areas of agreement, clarify differences, and explore ways to establish mutually agreed upon recommendations among the Task Force members;

Enhance public involvement in the decision-making process; and Coordinate with regulators.

The Citizen Task Force process is being conducted in addition to the public comment process required by the National Environmental Policy Act and the State Environmental Quality Review Act. The Task Force will discuss the following specific topics and provide comments or recommendations to the agencies for consideration:

Draft Environmental Impact Statement (DEIS) for Decontamination and Waste Management;

DEIS for Decommissioning including the development of the preferred alternative; NRC Policy Statement for Decontamination and Decommissioning; Long-Term Stewardship; and Future Land Use Options.

See <http://www.digitup.org/> and http://concernedcitizens.homestead.com/maplink_WestValley.html

Wind Energy Editorial

Whether the wind energy farm proposal in your town leaves you feeling secure and unaffected, or if it leaves you speechless and stunned, you still have the right to give your elected officials your comments and reactions. Some towns are passing laws or making agreements with wind prospector firms and there are opportunities to comment. Without the public's cooperation these projects can't go forward. Without the neighbor's signed consent a wind farm can't be built closer than is allowed. Here are a few valid arguments that can slow things down and derail a fast-track project so you can climb aboard and participate:

1. I have not had adequate time to read the materials and formulate my comments. I don't know what to say because the town officials have not adequately explained the law (or impact study or project, etc.) I attended a public hearing and the official people did not give a presentation on the situation and I didn't have time to do my own study of the project. I don't have enough information to make a decision yet and it doesn't appear that the town board members have enough information either. What's the big hurry?
2. I was not given a copy of the law (or contract or study, etc.) until the deadline was almost up.
3. I don't believe the wind farm fits in with my town's plan and I want to suspend the process so the whole town can settle on a mutually acceptable vision for the future. The residents have asked for zoning in the past and it has been denied them in various ways or was started in a way that is not valid and then never brought to the public. The residents have the right to create that vision, that plan, that zoning law, not the town board or a developer. A wind farm may or may not be a part of that vision, but zoning should include everything that we want, not just one wind farm, and it should provide protections for everyone, not just the people who own ridge top land.
4. The law that is being proposed contains variances and permitting procedures. That is zoning by another name. We have not been given an opportunity

Ellicottville Incinerator Proposal

Michael B. Bartoszek of Laidlaw Energy Group, Inc., proposes to operate a waste wood incinerator at a closed natural gas-burning power plant on Route 219 outside the Village of Ellicottville. The waste would be trucked in from New England.

We're very skeptical, having seen a number of similar proposals modified later to burn other wastes that are far more lucrative, at the expense of local people's health. Bartoszek has a record of utilizing government subsidy programs to start projects that often aren't long-lived. By packaging this project as an "alternative energy source," Bartoszek would take advantage of substantial public subsidies.

At present the Town of Ellicottville Planning Board is reviewing the proposal. Any new information or comments that should be posted here should be sent to CCCC through our "about us" page.

We've posted below comments CCCC sent to the planning board and Town Supervisor, and recent news on the proposal's progress.

The proposal has recently become subject to new federal rules regulating small incinerators. We've also posted a link to additional information on these rules.

THE DETAILS

The Bartoszek proposal doesn't quite add up: why truck what Bartoszek insists is "clean wood" that has a variety of other money-making uses hundreds of miles to Ellicottville to be incinerated? Even landfilling such wastes is cheaper than burning them, and much more environmentally responsible since emissions are dramatically reduced.

Perhaps in response to such concerns, Bartoszek has substantially changed his proposal. As a result, finding out what he really plans to do has become a moving target.

to help create this zoning and it did not come from the people so it is not valid.

5. I don't want to give up any of my rights for the "good of the people" because this will hurt a great many of my neighbors, friends and strangers too, and

In a November 1 letter to Ellicottville Mayor Bob Broginski posted on Bartoszek's website, Bartoszek suggests he wants his proposed burn plant to include "gasification" in addition to incineration. On a new website offered to promote the plan, Bartoszek says his ideas are supported by new research from the SUNY College of Environmental Science and Forestry. But the studies there are focused on the use of fast-growing willow trees to produce ethanol and provide no support for incineration. A second-tier use of willow supported by the college is gasification, but that's not what Bartoszek would do in Ellicottville. Nor would he be building an ethanol plant, another use supported by the college.

The least-favored use of willow would replace coal in existing coal-fired power plants. That's not Bartoszek's plan either. In fact, Bartoszek has not committed to limiting his "woody waste" fuel to willow. (Willow trees would be grown in a planned method specifically for use in alternative energy facilities under the college's vision; willow would not be "waste" wood.)

Bartoszek's letter to Mayor Broginski thus has little relevance to the proposed incinerator.

According to a December 26 article in the Salamanca Press (posted below), a draft Environmental Impact Statement (DEIS) has been made available for planning board review, and the next meeting of the board is January 29 (6 PM at the Town Hall).

The planning board should insist that Bartoszek post the full DEIS on his website, which is now required under a 2006 amendment to the State Environmental Quality Review Act. Then maybe we can all see Bartoszek's real plan.

will not create enough energy to diminish the need for fossil fuels.

—CCCC editorial

For more information on wind turbines see CCCC's website: www.homestead.com/concernedcitizens/windfarms.html

JUDGE DISMISSES GRAVEL MINE SUIT

Concerned Citizens of Cattaraugus County and Harold Michaels had filed a lawsuit against the City of Olean and the Town of Allegany challenging the expansion of the Giardini Bros. Construction Company gravel mine. Mr. Michaels is the owner of the Meadowbrook Colony, a 48-unit mobile home park located on Gargoyle Road in Allegany adjacent to the gravel mine.

Last year Giardini obtained a permit to expand from the Department of Environmental Conservation, followed by city and town approval to start a new gravel mine in Olean, and expand the company's mine on Gargoyle Road.

The lawsuit contended that under local law only limited mining in the Town is permissible.

The lawsuit named LaDorna Fox as Olean Zoning Board of Appeals chairperson, Thomas Barnes as Olean Planning Board chairperson, and John Hare as Allegany Planning Board Chair, as well as the Giardini company. According to the complaint, agencies illegally made new law by changing the zoning regulations in each municipality in order to allow Giardini to expand.

In his recent dismissal of the suit, Judge Himelein agreed with CCCC and Mr. McMichaels that it was appropriate

to bring the suit to court, and that the two boards acted illegally, but that claims were brought against them one month after the four month limitation period for claims.

On the crucial question, whether failure to act lawfully meant that, legally, those approvals never took place, and therefore the limitation period never started, the judge disagreed with CCCC and Mr. McMichaels. An opportunity to enforce proper procedures for making land use decisions that affect the environment has thus been lost, unless there is an appeal on the limitations questions, which CCCC is considering.

PLEASE CONTRIBUTE! GIVE A GIFT OF OUR COOKBOOK—RARE WILD GAME RECIPES AND OTHER BACKWOODS DELICACIES AND BECOME A CCCC MEMBER:

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- ___\$20.00 Individual/Family
- ___\$12.00 Senior/Student
- ___\$???
- ___\$15.00 Cookbook

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Please make checks payable to: Concerned Citizens of Cattaraugus County. **Many employers provide matching contributions. Please see your Human Resources Dept. However, you should know that as a 501(c)(4) not-for-profit Corporation, contributions to CCCC aren't tax-deductible.**

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