

Concerned Citizens of Cattaraugus County, Inc.

It's Time to Stop the Farmersville Dump

Reflection Time

By Don ("Mit") Farrington

Occasionally it is beneficial to review the many reasons that have caused CCCC to remain committed in our opposition to the proposed Farmersville landfill. Here are 14 reasons on which to reflect:

- **Pollution of air and water:** Garbage trucks hauling in trash from near and far would be belching diesel exhaust into our pure air, night and day. Screaming bulldozers would add to the air pollution, as would the stench of decaying garbage. Leachate from the landfill would leak into our pristine water system. This includes the aquifer that supplies Farmersville, Franklinville, and ultimately southward to Olean. Two of the eleven earthen dams that are part of the Ishchua Valley watershed are located just to the east and west of the proposed landfill site, on Johnson Creek and Carpenter Brook. A County Department of Health analysis, performed in 1992, concluded that the site is unsuitable because containment of pollution from a landfill located there cannot be assured.
- **Noise pollution:** The noise of trucks hauling garbage through our towns and villages night and day would be a constant source of stress and an assault on our eardrums. We cherish our peace and quiet. That's one of the many reasons that we live here. To replace the soothing sounds of quiet streams and bird songs with the roar of trucks and bulldozers would be sacrilege.
- **Destruction of roads:** The roads in our area are not capable of handling 300 truck trips in and another 300 out each day. This is how much additional truck traffic would be generated by a landfill of this size. In its present financial condition, New York State

would be unable to properly maintain roads subjected to such abuse.

- **Inadequate bridges:** Garbage truck drivers would soon find shortcuts on County roads. Most bridges on these roads are in poor shape and simply could not accommodate the increased use.
- **Traffic hazards:** With a truckload of garbage arriving every three to five minutes, our highways would be bottlenecked with traffic, creating a constant threat to motorists and pedestrians alike. Route 16 between Franklinville and Maplehurst has been a hazard for years. Fleets of interstate garbage trucks makes a dangerous mix with school bus traffic.
- **Lowered property values:** Property values would plummet if a megadump was approved. Those considering a move to the country near Farmersville would quickly change their minds, and real estate sales would suffer.
- **Destruction of our way of life:** A landfill would permanently alter our way of life and

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New Candidate for Farmersville Town Supervisor

April Garlow runs on "stop the dump" platform

It's also election time, and the good news is there is an alternative to the do-nothing Town Supervisor in Farmersville. The following is taken from April Garlow's press release announcing her candidacy. -Ed. note

April Garlow is a write-in candidate for Town Supervisor for the Town of Farmersville.

"Under the current Town Supervisor, the Town Board has failed to exercise powers it holds to protect residents from water and air pollution and truck traffic from the proposed 10-million ton dump," according to Garlow.

"Recently the Town Board



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passed a junkyard law that makes most Farmersville homes illegal. An extra car for parts, or a pile of lumber stored for next season violates the law, and that's not consistent with the character of our community," Garlow said.

Ms. Garlow was a nurse for twenty years, a union steward, a disability service provider and is a grandmother. She is an advocate for labor, the environment and education.

Ms. Garlow believes the Town has a number of options left open for regulating landfills, including stepping aside so the county government, with its greater resources, can take over the environmental review of the Farmersville dump proposal. Garlow said about her goals: "If elected, I will repeal the junkyard law, take a hard look at the dump proposal, and bring integrity to the leadership of the Town Board."

[CCCC has posted on its web site pictures of the inside of a voting machine, with instructions on [how to cast a write-in vote](#). -Ed. note]

Reflection Time, by Mit Farrington, con't . . .

would lead the way for other landfills, and further desecration of our beautiful countryside. The quiet, country living that we love would be no more.

- **Tourism would suffer:** Few people would find much excitement in viewing a pile of garbage 600 feet high. The roar and stench of scores of garbage trucks would certainly deter visitors from returning to this area.
- **The Finger Lakes Hiking Trail would be threatened:** Should the dump be permitted, this trail, located near the proposed dump site, might not be useable because of air quality problems.
- **Loss of wildlife habitat:** Habitat loss is the biggest reason for a decline in certain species of birds and other animals. If our area becomes a dumping ground for big city garbage, wildlife will suffer as well as mankind.
- **Inadequate inspection of incoming trucks:** It would be impossible to inspect all the trucks that would be arriving daily. Illegal and hazardous wastes would most certainly be dumped, especially with loads generated from so many far away locations.

- **Influx of rats and seagulls:** Rats and seagulls would certainly be part of the landfill package, as garbage draws them like a magnet.
- **Increased drug trafficking:** With trucks arriving from big cities it would be a valid concern to anticipate an increase in drug imports and the crime associated with drugs.
- **Landfill gas:** Gigantic landfills—this one would be over 10 million tons when its first 20-year permit term expires—eventually leak, start to fall apart from the pressure of landfill gas within, and emit toxic odors that have serious health effects on those who live, visit or travel nearby. These people will be chronically exposed to [landfill gas](#).

No amount of money could ever repay our citizens for what we would lose should this megadump be permitted. Once the mountain of trash is built, it would be a legacy for our children, grandchildren and great-grandchildren. It would be a blight on the landscape and would cause health-threatening pollution of earth and water, perhaps as long as the earth exists.

We've held the megadumpers at bay for twelve years. We have to stay committed and keep up the good fight.

ARTICLES FROM OUR WEBSITE . . .

Isn't a dump in Farmersville a "done deal"?

No. The dump proposal still has a number of hurdles, and missing any of them could derail the project:

IWS has no permit to construct a landfill in Farmersville. A DEC permit will take one to three years. In September, 2003, the DEC told IWS it's application materials were technically complete, pending some revisions IWS agreed to. If IWS submits the missing parts (they haven't yet), it will take a couple months or more before the DEC begins the public review process. Permit proceedings often take three years to reach a conclusion.

IWS filed for bankruptcy in December, 2002. The company did so to avoid foreclosure proceedings begun by Cattaraugus County. IWS hasn't paid its property taxes to the county or the town for three years. They may fail to get approval for a bankruptcy and the county would sell the land for back taxes.

Cattaraugus County has a strong landfill law IWS won't be able to meet. If the Town of Farmersville repeals its own landfill law any time before a permit is issued, the county's law applies. That would stop the dump.

IWS doesn't have the resources to build or operate a dump. It's broke. In January, 1999, William Heitzenrater of IWS created a new corporation, Southern Tier Waste Systems, which bought IWS for \$1.00. Heitzenrater says outside financial backing keeps IWS's dump proposal alive. The company's only hope is that it can sell the permit it hopes to get from the town and the DEC, and pay its debts. Whether it will succeed is in doubt, because right now it's on the rocks.

Farmersville could have new leadership on the Town Board. On October 18, 2003, April Garlow announced her candidacy for Town Supervisor in Farmersville on a "stop the dump" platform. Other town board members oppose the dump, and the 2003 election could shift the balance toward action against the dump by the board.

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.

What are the likely environmental impacts?

First, the site proposed for the dump is on a steep slope with active springs where all run-off goes into Johnson Creek, which flows into Ischua Creek. Ischua Creek recharges a major aquifer on which people living along Route 16 rely for their well water, and on which many local and visiting people rely for sports fishing.

Second, a dump this size will result in 300 truck trips in and 300 out, more than Route 16 and other local roads can hope to handle. The projected route from New York City takes garbage through Allegany County to Farmersville. But eighteen-wheel garbage trailers will come from all points. Such trucks have proven elsewhere to be substantially more accident prone than other types of trucks. Not only will we be at risk of traffic accidents, there will be spills of toxic substances from many such accidents. Nowhere in Cattaraugus County or in neighboring counties is there an emergency response capacity adequate to cope with the number and type of spills

we can expect when the landfill is fully operational.

Third, people who live or work nearby and downwind of the landfill will suffer chronic exposure to toxic components of landfill gas.

Finally, there are post-closure costs that will be required to contain the massive amounts of toxic leachate left when the landfill is closed, and the maintenance required to ensure an 800-foot mountain of garbage does not slide down onto Route 98. IWS will be responsible for only 30 years after the landfill closes. After that (or any time before) the Town of Farmersville is liable, because it has contracted with the landfill. [Current Superfund law makes contractors liable for the full cost of an environmental cleanup.](#)

The Farmersville Town Board

(a brief recent history)

Officially, the Town Board opposes the dump proposal. But it hasn't exercised its legitimate powers to do anything about it.

In 2000, Larry Justus campaigned successfully on his opposition to the dump proposal and was elected Town Supervisor. Justus introduced [a new, more restrictive landfill law](#) which (after his resignation) was enacted by a unanimous vote of the remaining four-member board in June, 2000. The following October, under threat of an IWS lawsuit many outside legal observers found highly unlikely to succeed, the board later caved in, repealing portions of June law.

Prior to the June 2000 vote, the town asked NYS Department of State whether the town had the authority to enact a new landfill law. The Department of State responds that the town is indeed authorized to do so, but cautions that the royalty fees provided in the law may not be legal, since they are much higher than can be justified by the town's work administering the local permit. ([The full opinion is on our website.](#))

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.

First, 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, paint,

radios, TVs, and computer components.

This stuff is just as hazardous as industrial “hazardous waste” and, when a 10-million-ton 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.](#)

Second, landfills in western New York commonly accept industrial waste from specific industries under a special permit. You can’t find out what it is by making a Freedom-of-Information request, because you’ll be told that’s a protected “trade secret.”

Third, whole industries whose waste used to be classified as “hazardous” get special decisions from the EPA to exempt their waste. Such wastes may be dumped in an ordinary “solid waste” landfill.

Fourth, IWS last year added “residential septage” to the wastes it proposes to dump in Farmersville. If anybody dumps hazardous substances down the toilet, that stuff will be in the IWS dump.

According to the EPA, hazardous substances in a solid waste landfill will be stripped from the waste by methane molecules and [emitted into the air](#). Hazardous substances will also find their way into groundwater eventually, and could pollute surface waters if they contaminate landfill runoff.

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. But Farmersville’s local landfill law provides that if a landfill gets a DEC permit, the Town will automatically issue a local permit. Without both permits, IWS can’t have a dump in Farmersville.

The DEC regulations provide for [two liners](#), an underlying clay liner, and a plastic liner about a quarter-inch thick, heat-welded together in strips.

The DEC regulations also require [five feet of separation](#) between the bottom of the 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. So IWS is requesting a variance from that regulation. IWS proposes a system of drain tiles to “dewater” the underlying earth, and promises not to pollute it.

CCCC’s view

The Town Board should repeal its local landfill law.

On March 22, 2000, the County passed a new, tough landfill regulation. But that regulation has no effect on Farmersville so long as the town has its own local landfill law.

The Town Board can reasonably decide that, because it lacks the resources to meaningfully review the IWS proposal, the town should step aside and let the county take responsibility for the review. That would be the effect of a simply repealing its local landfill law. The county’s landfill law would stop the dump, if it applied in Farmersville.

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—hasn’t increased in 12 years) 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.

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