



**Hearing on Proposed Modification of CWM 373 Permit
Comments by Citizens Campaign for the Environment**

**January 21, 2008
Youngstown, NY**

Good afternoon, my name is Brian Smith and I am the WNY Program Director for Citizens Campaign for the Environment (CCE). CCE is an 80,000 member, non-profit, non-partisan advocacy organization working to protect public health and the natural environment in New York State and Connecticut. For 24 years, CCE has worked to advance environmental policies and actions based on a philosophy of pollution prevention, conservation, and environmental stewardship.

Thank you for opportunity to provide comments today.

First, before addressing the issue of the negative declaration, CCE believes that it is inappropriate and unlawful for the NYS Department of Environmental Conservation (Department) to make a determination on the Chemical Waste Management (CWM) permit until the statewide hazardous waste siting plan is complete, as required by Environmental Conservation Law (ECL).

As acknowledged in NYS Environmental Conservation Law (ECL), land disposal is the least preferential method of managing hazardous waste in the hierarchy. The DEC and EPA assert that there is sufficient landfill capacity for years to come. We simply don't need more capacity at CWM. By allowing additional capacity at the RMU-1 facility, the DEC is continuing to encourage the state to move contrarily to the hierarchy. There is no compelling reason to tie a request for new capacity to CWM's request for a cap re-design

CCE is strongly opposed to the Department's negative declaration determination on the proposed cap design change for the RMU-1 facility at CWM Model City. The CWM proposal would increase capacity by approximately 106,870 cubic yards, thus extending the life of the facility by an additional year. This constitutes a significant increase in dangerous hazardous waste coming to an already unduly burdened community, and at the least, requires further and thorough review.

Niagara County residents have been burdened with the only hazardous waste landfill capacity in the state for nearly 40 years. A 2008 NYS Department of Health study¹ found

¹ Investigation of Cancer Incidence in the Area Surrounding the Niagara Falls Storage Site and the former Lake Ontario Ordnance Works, Towns of Lewiston and Porter, Niagara County, New York, 1991-2000

that children in the area have a high incidence of cancer, particularly those from the Lewiston-Porter Central Schools, which is located less than a mile from CWM. Our children's health warrants further review, particularly due to the very close proximity of Lewiston-Porter Central Schools to the RMU-1 facility.

Increased capacity and an extended landfill life provide more opportunities for CWM accidents and violations that threaten public health and the environment. CWM has been charged with a laundry list of violations that have occurred in recent years, many of which are included in the November 12, 2008 DEC Consent Order that penalized CWM \$175,000. Violations in this enforcement action include discharge of foam directly into the Niagara River, leaking drums within the facility, stormwater violations, leachate level exceedances, and many more. Violations occurring consistently throughout the past several years demonstrate potential for further harm associated with increased capacity and landfill life.

A leak at the CWM landfill poses a significant threat the environment, due to the close proximity to the Great Lakes, which contain 20% of the world's fresh water, more 90% of the US supply, and provide drinking water to more than 40 million people. Scientists recognize the Great Lakes are already on the tipping point of ecological collapse, and further chemical contamination is extremely detrimental to the ecosystem and our economy.

Enough is enough. People are sick, our environment is threatened, and records of mismanagement at CWM are clear. It is the Department's duty to "enhance the health, safety and welfare of the people of the state." The significant increase in capacity at CWM constitutes a potential for significant harm, and requires further and thorough review. CCE believes that while it is unlawful to determine the permit complete prior to the completion of the state plan, a positive declaration is appropriate as a first step to protect public health and the environment.

Thank you for the opportunity to speak and for your thoughtful consideration of our comments.

Sincerely,

Brian Smith
WNY Program Director