

From: [Jeffrey Manning](#)  
To: [dec.sm.CWM.RWMUNIT2](#)  
Subject: CWM expansion comments  
Date: Tuesday, August 26, 2014 4:46:45 PM

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August

26, 2014

NYS Department of Environmental Conservation

RE: Waste Management Expansion Request

Gentlemen:

I attended the 1:00PM, July 16, 2014 public comment session held at the LewPort High School with the purpose of getting a better understanding of the issues and opinions around Waste Management's application to construct another landfill on their existing property. Before I begin my comments however, I would like to apologize to the siting committee for the behaviors of some attendees. I was appalled that some speakers were shouted at and insulted because they expressed views different from others in attendance.

Many people spoke and the majority were against Waste Management's request. However, many speakers supported their views that the landfill expansion should be denied by making comments that were identified, alleged, or alluded to be "facts". As they spoke, I tried to note some so that I could check their "facts" at a later time. A few examples that I noted and my findings:

Many speakers stated that this area has a "much higher cancer rate" than the rest of New York State. This certainly is troubling. However, when I went to the New York State Health Department's website <http://www.health.ny.gov/statistics/cancer/registry/> I found that the cancer rates in Niagara County are about the average for New York State (excluding New York City) and slightly higher with NYC included. I also went to the CDC's website <http://statecancerprofiles.cancer.gov/incidencerates/index.php?stateFIPS=01&cancer=047&race=00&type=incd> . Here too Niagara County was just slightly higher than the average for all of New York State. My key finding was that NONE of the data I found on either of these governmental websites supported the high cancer rates presented at the hearing.

Several people spoke of traffic accidents that involved Waste Management's trucks or trucks traveling to their facility. As I recall, one involved several cars and another that occurred some years ago that resulted in the death of the speaker's son. However, in neither case was the cargo being carried cited as a root or contributing cause of either accident. So I do not understand their relevance on Waste Management's permit request.

On my way into the hearing, I was handed a flier by RRG, a group opposed to the land fill construction. The flier provided various “information”, all of course presented as “fact”. One entry referred to Emelle, Alabama and the effect the landfill constructed there in 1980 by WMC (CWM in the flier) had on the town. The RRG flier stated, “the schools closed ... Residents abandoned homes”. Again, very troubling comments, so I did a cursory internet search and found the information provided to be questionable. According to the data that I found, Emelle is and has been a very small town. Population numbers were; 51 in 2013, 53 people in 2010 (their highest) and 44 in 1990. (I could not find 1980 info.) Apparently, the population has not changed significantly over the years and as far as the closing of **schools**, how many would a town of 50 have? Considering the many comments made at the hearing that a landfill causes cancer, I again checked the CDC website and found that the county (Sumter) where Emelle is located has cancer rates 10% lower than the average for Alabama.

Another quote from the RRG flier, “The Niagara County DOH has already reported twice the national average of childhood cancers”. Again a very troubling statistic, so I went to their website and found their 2010 annual report. The only cancer related listing I found referenced the New York State data and it was for adults. So back to the New York State Health Department’s website and the rates listed for children (up to 19 years old) show Niagara Counties’ rate was almost identical to the State’s average.

I am not writing this letter to support or to oppose the expansion of Waste Management’s construction of a new landfill. However, I do request that your committee look at Waste Management’s request objectively. Strip away all the hype, emotion, politics, and the questionable information submitted to your committee. Both the community and the Waste Management Corporation deserve a decision that is based on facts that your committee has verified as being true and accurate and on the applicable laws.

Thank you for allowing me to comment

Jeffrey Manning - [REDACTED]

**From:** [Paul Inskeep](#)  
**To:** [dec.sm.CWM.RWMUNIT2](#)  
**Cc:** [Paul Inskeep](#); [Charles Lamb](#)  
**Subject:** CWM expansion request  
**Date:** Wednesday, August 20, 2014 4:20:06 PM  
**Importance:** High

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James T. McClymonds, Chief Admin. Law Judge  
NYSDEC Office of Hearings & Mediation Services

Dear Sir:

We are amazed that after all these years there is still an on going discussion or even a consideration that there will be an expansion of the CWM hazardous waste landfill. Is the NYS DEC deaf, illiterate or just don't care about the residents of Western NY (Porter & Lewiston)? It's my understanding, that over 10 years ago it was decided by the NYS court system that any more dumping on CMW property was illegal, that any new waste must be dumped in "other" landfills to equalize community effect. Why was this not enforced? Why are we still receiving waste from all over the nation and Canada? Let's get some "balls" in Albany, from the Governor down!

We both are retired, tax paying residences (52 years) of the town of Porter and we're vehemently opposed to any expansion of the CWM landfill. We are tired of the noise of the trucks racing up and down Rt. 93 on their way to and from the Balmer road site. The increase of dust, dirt and stench that has increased in the past 20 years to a point where it is intolerable. We left Niagara Falls for this very reason, the dirt, stench and pollution, so why should we put up with it here in the rural area where the air was once clean. Would any of you on the DEC and especially the appointed 8 member sitting board live in the town of Porter under these polluted conditions and send your children to a campus school only a mile from this dump? I think not!

Again, let us repeat to the DEC and the sitting board.....listen to the public, vote with your heart and when you do keep your own family in mind. **VOTE NO & TURN DOWN CWM'S REQUEST AND ONCE AND FOR ALL SHUT THEM DOWN!**

Thank you,

Pat & Paul Inskeep

[REDACTED]

**From:** [REDACTED]  
**To:** [dec.sm.CWM.RWMUNIT2](mailto:dec.sm.CWM.RWMUNIT2)  
**Subject:** CWM Expansion  
**Date:** Wednesday, August 13, 2014 9:58:05 AM

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There should not be an approval given to CWM to expand their facilities in the Town of Porter. This area is already contaminated with CWM's chemicals and it's getting harder and harder to sell our properties. The first question asked of any prospective buyer is where are you in relation to CWM?

If CWM wants approval of an expansion, suggest they buy out all the properties around their site so we may leave the area. They can then expand to their heart's content and turn this area, including all its fresh water lakes, into one gigantic chemical dump...it can then be known as the "Painful Desert of the East".

Vote NO to expansion.  
Fred & Diane Bruening

**From:** [REDACTED]  
**To:** [dec.sm.CWM.RWMUNIT2](mailto:dec.sm.CWM.RWMUNIT2)  
**Subject:** CWM Landfill  
**Date:** Wednesday, August 13, 2014 11:17:22 AM

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Please, Please, No more expanding CWM!!! Would you want your children and grandchildren growing up here? It's an accident waiting to happen right next to the waterways!! Say No!! Thank you,

Ann Cvetanovich

[REDACTED]

**From:** [Mark Colling](#)  
**To:** [dec.sm.CWM.RWMUNIT2](#)  
**Subject:** CWM new hazardous waste landfill in Town of Porter  
**Date:** Wednesday, September 03, 2014 9:08:50 PM

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Hon. James T. McClymonds,

I am writing to ask for your support to reject the proposal to allow CWM Chemical Services to build a new hazardous waste landfill at its Town of Porter facility.

I'm a lifelong resident of Niagara County. I currently reside in the Town of Lewiston near route 18 and my children attend school at Lewiston Porter High School. The Lew-Port campus is very close to the existing landfill and I'm already concerned with their well being. Building a new hazardous landfill in this area will put their health at risk!

Niagara County has paid a high price over many decades due to the dumps scattered throughout the county. Enough is enough! There is no amount of economic benefit that would make expanding this hazardous landfill the right decision. Too many lives will be affected for countless generations to come. The health risks are too high and our environment is too precious.

Please do not approve any expansion.

Thank you,  
Mark Colling

[REDACTED]  
[REDACTED]

**From:** [G & N](#)  
**To:** [dec.sm.CWM.RWMUNIT2](#)  
**Cc:** [REDACTED]  
**Subject:** CWM RMU-2 Applications  
**Date:** Friday, August 29, 2014 5:57:33 PM

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Letter to:

James T. McClymonds  
Chief Administrative Law Judge  
NYSDEC Office of Hearings and Mediation Services  
625 Broadway, 1st Floor  
Albany, NY 12233-1550

From:

N. Poulton  
[REDACTED]

Date: August 29, 2014

Subject: Public Comment Concerning CWM's RMU-2 Application

Dear Judge McClymonds :

As a Niagara County resident for over 10 years, I wish to take this opportunity to comment on CWM's applications to build and operate a new landfill, designated RMU-2, at its Model City site in Niagara County.

Under NO circumstances should the requested RMU-2 landfill be approved.

The rationale for prohibiting the construction and operation of RMU-2 is as follows:

- 1) There is an unacceptable risk of catastrophic accidents occurring by increasing the quantity of hazardous material transported to RMU-2; risks include haulage vehicle seepage, spillage or accident during transit to the site.
- 2) A new landfill would increase the probability of seepage of hazardous materials into both the Niagara River and Lake Ontario. In a similar vein, RMU-2 offers a new opportunity for the breach of a containment system and a catastrophic leak into the same water systems. The Niagara River, Lake Ontario and the other Great Lakes are the largest surface freshwater system on the Earth. All possible effort should be expended to protect this water system and a mainstay of this would be not allowing new potential source of contamination (RMU-2) and, if possible, the permanent mothballing of the existing one (RMU-1).
- 3) Niagara County has done more than its share in hosting activities that have hazardous elements in their makeup:  
The Manhattan Project activities in Tonawanda and the original CWM landfill RMU-1 at Model City both constitute poor decisions made in the past. A move to establish RMU-2 does nothing to ameliorate the existing

risks associated with RMU-1 or any residual materials in Tonawanda but it does offer increased risk to the area and its population for contact with hazardous substances.

4) The western part of Niagara County (Niagara Falls up through Lewiston to Lake Ontario at Youngstown) is presented to the world as an international first class tourist destination. The vision of the area will not be enhanced by views of hazardous waste haulage or by the simple knowledge that the area immediately south-east of the mouth of the Niagara River is one of the most toxic in the North Eastern United States. The attractions that visitors seek in the region bring tens of millions of dollars to the area - RMU-2 does not do anything except negatively impact that revenue stream.

5) We have "paid the price" for hazardous waste issues in the past (Love Canal in the city of Niagara Falls for example) but by no means have we examined and treated all of the potentially disastrous sites in the area. RMU-2 should not be approved as it simply adds the risk of yet another long term problem that will need to be addressed.

6) Niagara County, New York State and the United States have a responsibility to manage our natural resources (i.e. land and water) properly for both our own population as well as our neighbors on the other side of the Niagara River in Canada. Any malfunction at a CWM facility that leaches into the adjacent water systems is an irreversible violation of that responsibility.

The legal framework and licensing procedures already in place allow us to prevent RMU-2 from becoming a reality - they should be used and CWM's RMU-2 application should be rejected.

I appreciate the opportunity to offer my comments.

Respectfully,

N. Poulton



**From:** [REDACTED]  
**To:** [dec.sm.CWM.RWMUNIT2](mailto:dec.sm.CWM.RWMUNIT2)  
**Subject:** CWM waste site  
**Date:** Monday, August 18, 2014 3:37:13 PM

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Totally against this site in our town!!!!!!

**From:** [REDACTED]  
**To:** [dec.sm.CWM.RWMUNIT2](mailto:dec.sm.CWM.RWMUNIT2)  
**Subject:** CWM  
**Date:** Wednesday, August 13, 2014 11:20:45 AM

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Dear Judge,

I have been a waste broker on the east coast for 30+ years and we have cleaned up 100's of contaminated sites, many if not all of them went to CWM for disposal.

NYS has 1000's of sites to be cleaned up, if CWM closes down, the rates for disposal will triple to \$300/ton and no one will have enough money to perform cleanup's. Also, The NYSDEC, thru its brownfields voluntary cleanup program funds up to 65% of the disposal costs. The added expense will cripple their efforts to cleanup superfund sites thru out the state.

THE STATE OF NEW YORK NEEDS CWM!

Regards,

Tom

Thomas F. Wagner CEO  
Earthwatch Waste Systems

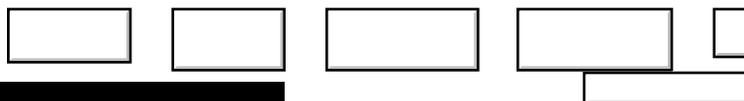
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[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [dec.sm.CWM.RWMUNIT2](mailto:dec.sm.CWM.RWMUNIT2)  
**Subject:** CWM's New Landfill  
**Date:** Wednesday, August 13, 2014 11:23:58 AM

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The Lake Ontario Ordinance Works or LOOW Site, on which the current CWM landfill is located, a highly contaminated site on the surface of the ground. The "Love Canal" files in the State Archives in 33 boxes are actually the LOOW files. Radioactive waste was disposed of from all over the country on the surface of the ground. A surface and subsurface investigation for radioactive materials in any new landfill location on this site should be conducted before landfill construction occurs, which could expose workers to radiation. Any contaminated soils that should be removed should not simply be allowed to go back into the CWM landfill site, which has been the practice for years, but rather sent off-site for proper radioactive soil disposal. Linda Shaw, Knauf Shaw LLP

Deny CWM's RMU2 Permit



Wendy Guild Swearingen

Sat 8/9/2014 2:47 PM



To: dec.sm.CWM.RWMUNIT2;

**James T. McClymonds**  
Chief Administrative Law Judge  
NYSDEC Office of Hearings and Mediation Services  
625 Broadway, 1st Floor  
Albany, N.Y. 12233-1550

Dear Judge McClymonds:

I am writing to voice my opposition to Chemical Waste's Management's permit to build RMU-2, a hazardous waste landfill in Niagara County, New York.

A huge hazardous waste landfill is not in the economic interest of a community whose chief sources of income are health, education, agriculture and tourism.

Hazardous waste landfills are not equitably distributed across New York State; Niagara County has the only one.

RMU-2 negatively affects the health and safety of residents living in the community; all trucks hauling hazardous waste and PCBs to CWM drive directly in front of the schools and a truck tipped over, spilling its toxic load in the road just past the Primary School. Trucks hauling waste to CWM routinely arrive at the gates leaking, according to DEC accounts, and have been involved in fatal accidents, including the death of Ryan Henderson, a Lewiston resident.

Please deny CWM permission to build RMU-2.

Sincerely,

Wendy Guild Swearingen



Time Extension Request - CWM



[Redacted]

behalf of Katherine Winkler

[Redacted]

[Redacted]

Mon 8/11/2014 12:18 PM

To: dec.sm.CWM.RWMUNIT2;

Cc: Kerrie Gallo [Redacted] Margaret Wooster [Redacted]

1 attachment



Mr McClymonds,

Please accept the attached PDF as Buffalo Niagara Riverkeeper's request to extend the comment period for the CWM Expansion Plan.

Thank you,

**Katherine Winkler**  
*Buffalo River Projects Manager*  
Buffalo Niagara Riverkeeper



**Effective May 16, 2014, Buffalo Niagara Riverkeeper has relocated business operations to: [Redacted]. Email addresses, phone and fax numbers will remain unchanged**

August 11, 2014

James T. McClymonds  
Chief Administrative Law Judge, NYSDEC  
Office of Hearings and Mediation Services  
625 Broadway, 1st Floor  
Albany, NY 12233-1550  
E-mail: [CWMRMU2@gw.dec.state.ny.us](mailto:CWMRMU2@gw.dec.state.ny.us)

Re: Request for Public Comment Period Extension – RMU-2 Landfill Project

Mr. McClymonds,

Buffalo Niagara Riverkeeper is formally requesting the extension of the public comment period on the CWM Chemical Services expansion/operating permit. Due to the complicated nature and history of this site, we are requesting that NYSDEC extend the comment period an additional 90 days (December 5, 2014) to allow for the adequate review of documents and the preparation of comments.

If you have any questions, please contact me directly at [REDACTED]  
or [REDACTED].

Sincerely,

*Kerrie L. Gallo*

Kerrie Gallo  
Director of Ecological Programs

kw

[REDACTED]

**From:** [REDACTED]  
**To:** [CWM.RWMUNIT2@dec.ny.gov](mailto:CWM.RWMUNIT2@dec.ny.gov)  
**Subject:** CWM expansion  
**Date:** Wednesday, August 13, 2014 9:49:56 AM

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Ellen S. Comerford

Sent from my iPad I am totally against CWM expansion. We have had enough of the worlds garbage! Ellen S. Comerford

**From:** [Fitzgerald, Patrick](#)  
**To:** [dec.sm.CWM.RWMUNIT2](#)  
**Subject:** Local Resident Commentary  
**Date:** Thursday, August 28, 2014 11:58:14 PM

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Dear Sir,

My name is Patrick Fitzgerald. I am a local resident living in the area that will be effected by any land fill expansion.

**Let me begin by stating that I am against any expansion proposed by CWM.**

Since its inception in our community CWM has provided:

1. Hazardous material that is leaching into one of the largest fresh water lakes in the world.
2. Very little economic support for the local economy in terms of job creation.
3. Provided a hazard to the local school district(Lewiston-Porter) from leachate, spills, transport accidents, etc.
4. Reduced property values
5. Negative impact to our farming industry.

With all that said, why would the DEC allow CWM to expand? It is my understanding that there is adequate storage facilities available within the U.S. to handle the additional material that CWM would like to bring to our community. Why would we not utilize that open capacity? Have we looked at alternate methods of disposal with existing technologies?

I know that you've probably heard all of this before. I beg you to deny CWM's application for RMU2 on behalf of my son and me. When making your decision, please try and put yourself and your loved ones in my shoes. What would you do?

This is the first time I have ever voiced my opinion, as a citizen, to state officials. In some aspects, I feel that the voice of the little guy never is heard anymore. I love this country and am trying to teach my son to be a responsible citizen.

Respectfully,

Patrick Fitzgerald

**From:** [REDACTED]  
**To:** [dec.sm.CWM.RWMUNIT2](mailto:dec.sm.CWM.RWMUNIT2)  
**Subject:** Landfill in Lewiston  
**Date:** Wednesday, August 13, 2014 1:42:18 PM

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I am writing to voice my opposition for any new or expanded landfill in Lewiston NY.

Not only does my entire family oppose the new landfill, but we think steps need to be taken to have any hazardous waste removed from the community and be located someplace much farther away from the Great lakes water supply.

Thank you,

Michael Dombrowski  
[REDACTED]

**From:** [REDACTED]  
**To:** [dec.sm.CWM.RWMUNIT2](mailto:dec.sm.CWM.RWMUNIT2)  
**Subject:** Please NO  
**Date:** Friday, August 15, 2014 12:59:44 PM

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I grew up in the Porter area. Loved the country setting and the peace and quiet. After years of traveling with my husband due to his military enlistment we finally decided to move back to our hometown in the country setting of Porter. We found a beautiful country home to start and raise our 2 young children, to watch them grow happy and healthy. We pay extra taxes for living in the quiet county area, paid a higher price for our home, and for school taxes. Now you want to expand the garbage and waste into our properties and backyards, so now we have to pay extra to live in WASTE! Our children have to fear getting sick, we have to fear getting sick, debate if it's safe enough to garden, I can even trust letting my farm animals graze because of the waste. Our clean country air is already being stretched thin and now they want to expand the waste further into the place we moved to get away from the city dumps and polluted air. I could not be more disappointed in what I use to be so proud to call my hometown! It saddens me we favor the thought of moving my children from their home and friends to be in a safer place for their health, and their health comes first, than staying in a town that only wants to be filled with waste and pollution!

Sent from my iPhone