Journal Legals
WWW.SPRINGVILLEJOURAL.COM

New York State Department of Environmental Conservation
Notice of Complete Application

Date: 04/18/2013

Applicant:
NYS ENERGY RESEARCH & DEVELOPMENT AUTHORITY
17 COLUMBIA CIRCLE
ALBANY, NY 12203-6399

Facility:
WESTERN NEW YORK NUCLEAR SERVICE CENTER
10282 ROCK SPRINGS ROAD
WEST VALLEY, NY 14171

Application ID: 9-0422-00011/02008

Permit(s) Applied for: 1 - Section 401 - Clean Water Act Water Quality Certification
1 - Article 24 Freshwater Wetlands

Project is located in:
in ASHFORD in CATTARAUGUS COUNTY

Project Description:
The applicant proposes to address continuing erosion in Frank's Creek which is on the east side of the State Licensed Disposal Area by establishing a pool/riffle complex along 320 feet of the creek. Plantings in conjunction with the erosion control would be used to create a shade canopy along that section of creek. The creek stabilization would also alleviate ongoing impacts to the wetland at the upstream end of the project area. A 125 foot section of compromised natural gas line in the area would be replaced.

Availability of Application Documents:
Filed application documents, and Department draft permits where applicable, are available for inspection during normal business hours at the address of the contact person. To ensure timely service at the time of the inspection, it is recommended that an appointment be made with the contact person.

State Environmental Quality Review (SEQR) Determination:
Project is an Unlisted Action and will not have a significant impact on the environment. A Negative Declaration is on file. A coordinated review was not performed.

SEQR Lead Agency None Designated

State Historic Preservation Act (SHPA) Determination
Cultural resource lists and map have been checked. No registered, eligible or inventoried archaeological sites or historic structures were identified at the project location. No further review in accordance with SHPA is required.

Availability for Public Comment

Comments on this project must be
submitted in writing to the Contact
Person no later than 05/09/2013

or 15 days after the publication date
of this notice, whichever is later.

Contact Person
DOUGLAS E BORSCHEL NYSDEC
270 MICHIGAN AVENUE
BUFFALO, NY 14203-2915
(716) 851-7165

ANTIWAR.COM
Your best source for antiwar news, viewpoints, and activities

The Profligate Nuclear Pentagon, What was the most dangerous waste of your tax dollars this year? The case of the B61 nuclear bomb

by Steve Breyman, May 01, 2013

American taxpayers don't get their money's worth from their ever-growing annual investment in the Pentagon. It's a bottomless pit that makes a hydrofracked well look like a pothole. Most taxpayers would be happy to spend considerably less. The massive size, baroque nature and opaque character of the 'defense' budget make picking and choosing programs to cut or retain very difficult for most of us, including members of Congress charged with its analysis and approval. Here's a tip: if the Department of Defense itself does not know how much money it spends on something, it's definitely too much.

Two cases spring immediately to mind: the war in Afghanistan and nuclear weapons. The first is mildly outrageous given the twelve years available to figure it out. The second is unconscionable as we near the eighth decade of the Nuclear Age. Congress does not require nuclear weapons spending to be collected in a single budget document or account. And, believe it or not, there is no 'industry standard,' no consensus on the definition of what constitutes spending on nuclear weapons. Despite the many thousands of accountants, bookkeepers, and program analysts employed by DoD, the armed services, and the Department of Energy, and despite specific, repeated recommendations by the Government Accountability Office, the best we can do is estimate.

Available estimates range widely. The Center for Nonproliferation Studies (CNS) uses a narrow definition of what counts as weapons spending to arrive at the figure of about $18 billion per year (excluding, for example, cleanup costs at places like Hanford, WA and West Valley, NY). CNS projects massive increases in spending should the US "modernize" its aging weapons as currently planned by President Obama. The Carnegie Endowment for International Peace takes an expansive view of what constitutes nuclear weapons expenditures leading it to claim approximately $52 billion per year.

Eighteen billion dollars per year is more than twice what the US spends on the Environmental Protection Agency. Fifty-two billion dollars is close to one hundred times what the US spends annually on the Occupational Safety and Health Administration. At least as shocking is the fact that if one splits the difference between these estimates, the US spends more inflation-adjusted dollars today on nuclear weapons than it did during the average Cold War year.

Expenditures for environmental protection and worker safety are widely seen as generating outsize returns on investment. The same cannot be said for nuclear weapons. Imagine how many more explosive fertilizer depots or toxic chicken processing plants OSHA might inspect were it empowered by a budget sufficient to the task. Keep dreaming: President Obama never promised a future free from easily avoidable pollution or reckless corporate decisions. He did, however, promise a future of reduced danger from nuclear weapons.

In April 2009, just two short months after taking office, Barak Obama (whose senior thesis at Columbia concerned the arms race and the Nuclear Freeze Movement) chose Prague for his first major foreign policy address. The speech touched on many topics, but is remembered for these lines:

So today, I state clearly and with conviction America's commitment to seek the peace and security of a world without nuclear weapons. I'm not naive. This goal will not be reached quickly — perhaps not in my lifetime. It will take patience and persistence. But now we, too, must ignore the voices who tell us that the world cannot change. We have to insist, "Yes, we can."

The 2010 New START Treaty with Russia and the 2010 Nuclear Posture Review (NPR) were the highpoints of Obama's commitment. The NPR pledged not to "support new military missions or provide for new military capabilities" for US nuclear weapons. Since then, the administration failed to convince the Senate to ratify the Comprehensive Test Ban Treaty, and failed to convince the Pakistanis to stop obstructing UN-sponsored negotiations to end fissile material manufacturing for new nuclear arms (two other goals cited in Prague).

Should one still worship at the church of nuclear deterrence, it's reasonable to argue that the US should hold onto a handful of long-range missiles, subs or bombers to insure against nuclear aggression—the "perhaps not in my lifetime" part. That argument is unreasonable—believer or not—for US non-strategic nuclear weapons deployed in Europe. And it's plain listening to "the voices who tell us that the world cannot change" to promote or defend the B61-12 Life Extension Program.

The United States first developed non-strategic nuclear weapons for deployment to NATO Europe (formerly called tactical, battlefield or short-range nuclear forces) for two reasons. First, it saw the devices as essential to stop the feared Soviet armored assault across the North German Plain should push come to World War III. And, second, because it could (the 1950s were the era of nuclear everything, cars, planes, boats, etc.).

Strategists theorized battlefield weapons as a low rung on the 'ladder of escalation' that stretched from infantrymen to ICBMs. The mini-Bombs took amazingly diverse form and shape: artillery shells, landmines, depth charges, aerial bombs, anti-aircraft missiles. What's perhaps more amazing, twenty years after the end of the Cold War, is that one variety—the B61 aerial bomb delivered by jet fighter aircraft—lives on even today. Approximately 200 B61s remain ready for use by F-16s on US airbases in Belgium, Germany, Italy, Turkey and the Netherlands.

Obama's B61 Life Extension Program proposes to spend over $11 billion over several years to keep the variable-yield bombs "operational" through 2025 (nuclear weapons have limited shelf lives). This includes a billion dollars to add new tail fins in order to raise the intelligence of the things, to convert them from 'dumb bombs' subject solely to gravity to 'smart bombs' that can be steered to their targets. The new tail fins also permit B61s to be carried by the F-35 stealth fighter, perhaps the single greatest Pentagon boondoggle of all time. Not only does the proposed modernization violate the promise of the 2010 NPR to avoid new capabilities, it lowers the 'nuclear threshold' by making the bombs more 'usable.' This is because the F-35 can (hypothetically) get closer to its target prior to detection and attempted interdiction, reducing the required yield of the more precise bomb, reducing the radioactive fallout of the explosion, and reducing the consequences of its use.

Why in the world do the US and NATO need a refurbished nuclear bomb first imagined by weapons designers at Los Alamos shortly after the Cuban Missile Crisis? They don't, even by both parties own reckoning. There is no conceivable military use for the things today. NATO wrestled with its mission, its very reason for being, following the collapse of the Soviet threat in the early nineties. Rather than fold the tent, throw a party, and call it an era—as the peace movements of its member-states suggested—NATO expanded eastward, making new members of its former foes. The US ignored (often gleefully) the howling

protests of successive Russian leaders who claimed NATO expansion violated an agreement between Boris Yeltsin and George H.W. Bush to keep the alliance where it was.

NATO is today little more than a US expeditionary force—it faces no credible conventional military threat to its own territory. Bill Clinton dragged NATO into its first-ever combat in the former Yugoslavia. The US enlisted NATO's continuing assistance for the International Security Assistance Force (ISAF) following the fall of the Taliban in Afghanistan. George W. Bush convinced NATO powers Britain and France to help invade and occupy Iraq. NATO played the lead role in bringing down Col. Gaddafi.

NATO intentionally missed abundant opportunities for denuclearization and demilitarization along the way. The INF Treaty—the world's first nuclear disarmament agreement—ought to have led in later years to the complete removal of all nuclear weapons from Europe. Gorbachev and Western peace researchers' innovative ideas about "defense sufficiency" and "non-provocative defense" ought to have led to ever-deeper cuts in military forces to generate a large ongoing peace dividend.

Instead, to justify its existence and its sixty-five year burden on taxpayers, NATO and its senior American partner flirt with friendly non-member states like Israel in "partnerships for peace." They maintain F-16s in the skies over the Baltic States at Russia's doorstep. They hem and haw over ballistic missile defense programs (aimed at Iran) that cause considerable Russian concern. They taunt the Russians with the prospect of Ukrainian and Georgian membership in NATO. And they justify Russian nuclear modernization programs—rather than negotiate away the need for them—with idiotic programs like B61 upgrades.

It's worth spending taxpayer's hard earned money on a handful of nuclear weapons-related programs. Non-proliferation activities to avoid the further spread of nuclear weapons (including removing other countries bomb-making stuff, and the conversion of nuclear power reactors to run on low-enriched uranium) are one priority. The funds for non-proliferation are at direct risk from the costs of the B61 Life Extension Program. Remediation of the enormous radiological mess left behind from decades of weapons manufacture is another priority. New and refurbished nuclear weapons, however, ought not get another dime.

The Obama administration's plans for new and overhauled nuclear weapons are so obviously contrary to logic, presidential promises, and fiscal responsibility that they even drew the recent attention of California Senator Diane Feinstein: "To me, it's a total backing away from a major commitment [the President's Prague speech]; people say one thing, and do another." Feinstein, of course, is unwilling to force the President's hand through appropriations legislation. Fortunately, Massachusetts Congressman Edward Markey is bolder. His H.R. 1506 Smarter Approaches to Nuclear Expenditures Act (SANE) would do a host of sensible and overdue things, including kill the B61 Life Extension Program. Urge your Representative to co-sponsor it.

Steve Breyman was 2011-12 William C. Foster Visiting Scholar Fellow in the Euro-Atlantic Security Affairs Office of the Bureau of Arms Control, Verification and Compliance at the US Department of State. He is author of Why Movements Matter: The West German Peace Movement and US Arms Control Policy. Reach him at breyms@rpi.edu

WBFO 88.7 NPR News & more
Buffalo's NPR News Station
part of the npr digital network

Nuclear Hot Spots along the Great Lakes

BY CHRIS CAYA

Enlarge image
Credit Photo from Great Lakes United
Nuclear Hot Spots map

The millions of people who get their fresh water from the Great Lakes might be surprised to learn the region is home to a widespread nuclear industry. As WBFO's Chris Caya reports, a new threat to the Lakes is potentially brewing.

"Great Lakes United" and the "International Institute of Concern for Public Health" drew up a "Nuclear Hot Spots" map showing nearly a dozen radioactive storage facilities around the Lakes, including West Valley south of Buffalo and the Lake Ontario Ordinance Works in Niagara County. The Great Lakes also supply cooling water for 38 nuclear power plants in the U.S. and Canada.

"In addition to that what's important to recognize is that supporting those nuclear power plants is mining to get the uranium. So up on the north end of Lake Huron we find the radioactive waste leftover from mining that has happened in the past," said John Jackson with Great Lakes United.

Jackson said the nuclear industry's impact on the region has never been studied.

Four new power plants are proposed on the north shore of Lake Ontario. Jackson says the search is underway for high-level radioactive waste burial sites along the Canadian shoreline.

"The power plant for example that's in Quebec City, or the power plant that's in New Brunswick would be loading their high level radioactive fuel onto freighters, shipping them in through the St. Lawrence River, down Lake Ontario, over through the Welland Canal, Lake Erie and up into Lake Huron and even on to Lake Superior with these shiploads of high level radioactive waste," said Jackson.

Jackson said the potential for a spill is substantial considering every year freighters run aground at the bottom end of Lake Huron north of Detroit.

"If you get that sort of accident in the Great Lakes you can't collect that up. You can't quickly grab it out of the water. It's going to spread far and wide," said Jackson.

As Jackson says, the Great Lakes are all one system and "we're all in it together."

The Nuclear Hot Spot map's available at the Great Lakes United Website.

SPRINGVILLE JOURNAL
SPRINGVILLEJOURNAL.COM

May 11, 2013

West Valley Demonstration Project

Quarterly Public Meeting

Wednesday, May 22, 2013, 6:30-8 p.m.

Ashford Office Complex

9030 Route 219, West Valley, NY 14171

The U.S. Department of Energy (DOE) and the New York State Energy Research and Development Authority (NYSERDA) will hold a public meeting to provide an update on the WVDP project activities and to discuss progress on the Phase 1 Studies. NYSERDA and DOE will provide The public with an opportunity to ask questions and provide comments.

For further information, please contact Lynnette Bennett at Lynnette.Bennett@chbwv.com or (509) 531.5974.

Buffalo News, Thursday, May 16, 2013

CITY & REGION

- # Environmentalists decry plan to truck weapons-grade N-waste through N.Y.

UB Professor Lynda H. Schneekloth, chairwoman of the Sierra Club's Niagara Group, pours water during downtown rally to demonstrate how quickly a spill of liquid nuclear waste would disperse into environment. Derek Gee/Buffalo News

By T.J. Pignataro | *News Staff Reporter* | *@TJPignataro*
on May 15, 2013 - 2:07 PM
, updated May 16, 2013 at 12:53 AM

Accident. Fire. Terrorism.

Sometime this summer, high-level, weapons-grade radioactive waste is expected to pass through New York State – maybe through the Buffalo Niagara region – on flatbed trucks traveling from Ontario to a South Carolina facility. Local environmental activists are concerned about the inherent risks in the transport and that the public is unaware that it could be coming.

That's why local members of the Sierra Group and others rallied in downtown Buffalo on Wednesday afternoon, calling on Gov. Andrew M. Cuomo to block the planned transport of the materials over New York's roadways from Chalk River Laboratories northwest of Ottawa to the U.S. Department of Energy's nuclear reprocessing facility at the Savannah River Site in Aiken, S.C.

"This is unprecedented that liquid nuclear waste such as this will be trucked across bridges, through communities without any public review," said Lynda H. Schneekloth, a University at Buffalo professor and chairwoman of the Sierra Club's Niagara Group. She said her group became aware of the planned shipments only a few weeks ago following a series of articles published by the Ottawa Citizen.

The newspaper reports state that more than 6,000 gallons of "nitric acid solution containing highly enriched uranium" would travel in specially engineered casks south from Chalk River in one to two heavily guarded truck convoys at a time. Those trips, to occur weekly during summer months, would require an estimated 76 shipments in all – about a four-year process, according to the newspaper.

Maureen Conley, a spokeswoman with the U.S. Nuclear Regulatory Commission, confirmed to The Buffalo News on Wednesday that the agency received an application from Georgia-based NAC International requesting it approve its design for packaging the liquid waste for transport by Aug. 1. Each shipment, she said, would carry up to four containers containing 17 gallons each of the liquid nuclear waste.

"It is still under review," Conley said of the application.

Conley said the purpose of the shipment is to return weapons-grade nuclear material to the United States.

"It's part of the program to bring this stuff back here," she said. "We're trying to bring all this stuff under our security."

The activists aren't buying that.

"The nonproliferation excuse is being used to make it sound very patriotic," said Diane D'Arrigo, radioactive-waste project director of the Nuclear Information & Resource Service, a network for citizens and environmental activists.

"The travel is such an enormous danger, and it's completely unnecessary," said Gordon Albright, a professor at York University in Toronto.

Conley said that maintaining safety is paramount in such an endeavor and that there are requirements regarding the issues of accidents, fires and terrorism. "In order to be certified, the design has to go through all sorts of testing," Conley said.

Those include puncture and drop tests, accident testing, fire testing to 1,475 degrees and several others. "They have to show the packaging can withstand all those," she said. "I can just say, it will be well-protected."

The exact route that the convoy would take is unknown and is believed to be protected in the interest of national security. That bothers the activists, who say the public has a right to know if they're being exposed to potential harm.

Possible routes could include entering the United States at:

• The Thousand Islands Bridge accessing Interstate 81, a 1,159-mile total journey over an estimated 18 hours, 22 minutes.

• The Lewiston-Queenston Bridge accessing the Niagara Thruway, 1,162 miles over an estimated 19 hours, 13 minutes.

• The Peace Bridge accessing the Niagara Thruway, 1,158 miles over an estimated 19 hours, 8 minutes.

If, as activists demand, shipments are kept off New York's roadways, the next-quickest avenue would appear to be through the Windsor-Detroit area – a trip of 1,248 miles and roughly 20 hours, 38 minutes.

Officials in Cuomo's press office did not return calls seeking comment Wednesday.

email: tpignataro@buffnews.com

SPRINGVILLE JOURNAL
SPRINGVILLEJOURNAL.COM

Saturday, May 18, 2013

Hazardous waste cleanup is a concern for all

Editor:
I am currently a senior at West Valley Central School. I have recently been reading articles about the landfills and waste sites in the area and across the region. I am deeply concerned, not only about my neighborhood, but about the region, also.

I fear about how the West Valley Demonstration Project has turned out, so far. The radioactive waste from the West Valley nuclear storage facility in Cattaraugus County could someday endanger the Great Lakes.

The part that concerns me the most is that the majority of these waste sites are located in the Great Lakes watershed, which is the largest source of fresh water in the world.

I believe that the DOE should start taking responsibility and stop underfunding the West Valley Demonstration Project. The project itself needs at least $75 million, per year, to fully clean up the site.

In the year 2010, the DOE committed to funding the project for the following 10 years. My question is, what exactly happened to this "commitment?" The DOE has underfunded the project by millions, each year. The drops in funding are not like the other DOE cleanup sites, which have had funding increased or been sustained.

My other concern is the town of Porter. In this town, a hazardous waste landfill operated under three companies. These hazardous wastes are close to Lake Ontario, including Love Canal samples, lead, medical waste, contaminated soil and many more poisonous wastes. The CWM wants a second site, which I believe is bad for the environment. They say it will help boom the economy, but you have to look at the bigger picture. What if the first landfill leaks? It is man-made, after all, and could end up hurting our water supply, in the future.

I appreciate your time in reading this letter. I believe we should move waste to more desolate areas like Utah and Nevada. Having chemical waste so close to home is scary and should be funded, immediately. They need to get this waste out.

Taylor Williams
West Valley

SPRINGVILLE JOURNAL
SPRINGVILLEJOURNAL.COM

Saturday, May 18, 2013

Student worried about hazardous waste cleanup

Editor:
I am a student at West Valley Central School and I have been a resident of West Valley, my whole life. I am writing to voice my concerns about the West Valley Demonstration Project and the local and regional environmental concerns.

The concern that citizens in our community, or even the employees at the West Valley Demonstration Project, could be facing health risks because of this issue, seems unnecessary. Also, the issue may not be a concern for only West Valley residents, but all people in Western New York. If any nuclear waste were to leak into any nearby rivers, then the issue could travel to our Great Lakes and into people's drinking water.

Although the demonstration project in West Valley is an important issue, it is not the only concern, for Western New York.

The town of Porter has a huge landfill and even wants to expand it. This is a very dangerous idea, especially since the town is close to Lake Ontario. This landfill includes hazardous waste, such as medical waste, PCB poisons, lead and even more dangerous toxins. I believe this landfill has spiraled out of control and the proposition to expand it even more would affect our region very negatively.

I believe, regionally and locally, we need to take action to clean up this mess. I am very concerned for the people of West Valley and surrounding towns. It would be horrible to see these people put into danger over this issue. Having West Valley be the most toxic place in Western New York is unacceptable, in my opinion.

The DOE promised $75 million per year, but last year, we only received $64 million and they plan to fund us only $47 million, next year. The cut in funding is slowing down the clean up process. We need to try to speed up the process and move the hazardous waste out to Utah and Nevada.

I appreciate your cooperation toward the local and regional issue. I hope to see progress, in the near future. I believe Western New York shouldn't be the dumping ground for the entire nation. Thank you for your time.

Kristen Kowalski
West Valley

ABQ JOURNAL

Editorial: Look to WIPP for safe storage of nuke waste

By Albuquerque Journal Editorial Board on Fri, May 17, 2013

In 2011, Rep. Steve Pearce, R-N.M., introduced a bill to allow the Waste Isolation Pilot Plant to accept non-Department of Energy transuranic nuclear waste.

And in 2013 — thanks to the meddling of Sen. Harry Reid, who has turned Yucca Mountain into a $15 billion empty underground parking garage — much of the nation's nuclear waste still doesn't have a real home. So Pearce has re-introduced his proposal to accept more of the lower-level waste — typically gloves, clothing, tools and aprons exposed to nuclear radiation — from agencies across the federal government and store it in the salt beds 2,150 feet beneath the surface near Carlsbad.

The proposal would expand the source of the waste but not the type or grade — it would be the same as the DOE waste already accepted at WIPP.

And while one of Pearce's primary concerns is protecting WIPP jobs by ensuring the plant has enough nuclear waste to process, one of the nation's concerns should be storing this kind of waste in a centralized facility overseen by people with years of experience transporting, handling, storing and securing it in a safe place.

Sen. Martin Heinrich, D-N.M., co-sponsored a bill in 2011 identical to Pearce's version. A spokeswoman for Sen. Tom Udall, D-N.M., says he will study the proposal carefully if it makes it to the Senate "but … proposals like this to expand the mission will need very thorough vetting and acceptance throughout the state."

They do. But this one is fairly straightforward, and nuclear waste must be stored safely.

Southeastern New Mexico is already known as "nuclear alley." WIPP has been storing nuclear waste underground since 1999; the National Enrichment Facility near Hobbs has been processing uranium for nuclear power plants since 2008; the U.S. Nuclear Regulatory Commission has licensed a facility nearby to handle waste from the uranium fuel-making process; and Eddy and Lea counties and the cities of Carlsbad and Hobbs plan to partner with French nuclear conglomerate Areva to bring a high-level nuclear waste storage facility to a site between the two cities.

Two years have passed since Pearce first proposed expanding the source — not the kind — of waste stored in WIPP. That waste still needs a home. It is incumbent on Congress to finally take up the issue of safe storage for the nation's nuclear waste.

Our congressional delegation should get on board.

This editorial first appeared in the Albuquerque Journal. It was written by members of the editorial board and is unsigned as it represents the opinion of the newspaper rather than the writers.

http://www.abqjournal.com

THURSDAY, MAY 23, 2013

GUEST COLUMNS OPINION

No need for change in law to expand WIPP

By Don Hancock / Southwest Research and Information Center on Thu, May 23, 2013

The Journal editorial board apparently is uninformed about commercial nuclear waste storage, as well as the status of the Waste Isolation Pilot Plant (May 17 editorial: “Look to WIPP for safe storage of nuke waste”).

The commercial waste mentioned in the editorial and Rep. Steve Pearce’s bill (HR 1879) is at West Valley, N.Y., along with high-level commercial waste. According to the Department of Energy and the state of New York, that radioactive garbage is monitored and safely stored and can remain so for decades until there is a commercial waste repository.

That waste, like more than 99 percent of the nation’s radioactive waste, is never supposed to come to WIPP.

As of May 11, there are 86,798 cubic meters of transuranic (TRU plutonium-contaminated) nuclear waste from nuclear weapons disposed at WIPP. The legal limit is 175,564 cubic meters of waste, so less than half of that amount has been trucked to WIPP during the last 14 years.

Thus, Pearce’s bill is based on a false premise that WIPP jobs are at stake because there’s little more defense TRU waste remaining. At the current shipping rates, there is at least 10 years of waste still stored at Los Alamos and four other major sites that is supposed to come to WIPP.

But because of the way WIPP has been managed over the past 14 years, it will fail in part of its mission.

Five percent of that legal volume limit, 7,079 cubic meters, can be remote-handled waste. Such waste is more radioactive than the other waste and must be shielded to reduce the amount of exposure to workers at WIPP and to the public during transportation.

As of May 11, 580 cubic meters of remote-handled waste was emplaced at WIPP. If all of the remaining remote-handled-designated space is used, the actual capacity is less than 3,500 cubic meters, which is less than half of the legal limit.

Apparently, a lot of remote-handled waste will be staying at Hanford, Wash.; Oak Ridge, Tenn.; and the Idaho National Lab because it will not fit into WIPP.

Rather than changing the law to expand WIPP, as the Journal and Pearce advocate, Congress should investigate why WIPP is failing its remote-handled waste mission.

ABQ JOURNAL

Let science inform our decisions

By Bill Richardson / Former Governor of New Mexico on Thu, May 23, 2013

During my two terms as governor of New Mexico, I often found myself in the middle of challenging discussions involving a wide range of my constituents about what was necessary to protect the state's most imperiled plants and animals.

For me, those discussions always began with one question: What does the best available science suggest we should do?

What I found is that when we let the science lead, we end up in a good place. And that's exactly how Congress envisioned it when it passed the Endangered Species Act 40 years ago this year.

Now, during the month Americans all over the country are celebrating Endangered Species Day, which falls each year on May 17, is a good time to stop and acknowledge what the Act has accomplished in its first four decades.

And when it comes to protecting wildlife from extinction, we don't have to look far to see its power right here in New Mexico.

The population of Gila trout grew from about 7,600 fish in 1975 to 37,000 in 2008 and has been downlisted to "threatened" status.

Aplomado falcons, once completely extirpated from the United States, now have populations in New Mexico and Texas.

And Mexican gray wolves, once completely eliminated from the Southwest, now total 75 in New Mexico and Arizona.

To date, the Act has prevented the extinction of 99 percent of the more than 1,400 species placed under its care. Many of those species are now meeting or exceeding goals for recovery – a record all Americans should be proud of.

When you look back across the many successes of the Act's first four decades – from bald eagles and grizzlies to California condors and gray wolves – it's easy to forget that recovering plants and animals from the brink of extinction has never been easy – but it's always been worth the effort.

That conviction continues to be at the heart of my current work as a board member for the National Council for Science and the Environment, a prestigious group of scientists and environmental leaders working to more closely align the decisions of top policymakers with the conclusions of science.

And nowhere are the impacts of that bond more important than in how we administer the Endangered Species Act.

Here in the 21st century, if we're going to embrace the challenge of slowing extinctions and habitat destruction, we have no choice but to let science inform our most critical political decisions regarding the protection of our wildlife.

If we do that, the Endangered Species Act can be even more successful over the next 40 years in helping us to save our most imperiled plants and animals and the planet we all share with them.

The Buffalo News

West Valley cleanup work progressing, official says

By Chris Chapman

CATTARAUGUS CORRESPONDENT

on May 24, 2013 - 8:26 PM

LITTLE VALLEY – Cleanup and remediation are well under way at the West Valley Demonstration Project, an official of the company in charge of the operation told Cattaraugus County legislators this week.

CH2M Hill B&W West Valley, a project management firm, took over the decommissioning and deconstruction process of the nuclear waste processing facility in 2011. The company's scope of work is fourfold, said Daniel Coyne, president and general manager.

First, workers are looking to get the high-level waste that still remains in the main plant out of the building and into a storage facility. Ten-foot-tall cans of the waste, fuel rods encased in glass – vitrified, as the industry calls it – are on three-foot-thick concrete slabs. The cans holding the waste are encased in thick concrete casks, and other safety measures are in place to protect the environment, Coyne said.

More than 200 of these concrete vaults sit on the site waiting for a place to go. There are no depositories established to receive the waste.

The second goal is to remove the legacy waste. That is the low-level waste that had been left on the site. Some of that has been shipped to facilities for storage in Nevada and Utah, Coyne said.

Third is the complete tear-down of the processing and vitrification facility on the site. Last is bringing down the remaining structures.

Work on dismantling what can come down is moving forward, Coyne told legislators.

"We have already shipped 48,000 cubic feet from the site," he said, referring to materials when his firm began work at the site. "Another 80,000 cubic feet of newly generated material has shipped as well. We have also already torn down 40,000 square feet of building footprint."

The last phase of the project, final decommissioning, is not expected to take place until 2020 at the earliest, Coyne said.

Official: Sequester didn't hurt West Valley clean-up

By Rick Miller, Special to The Salamanca Press | Posted: Friday, May 24, 2013 10:16 am

LITTLE VALLEY— The president of the company contracted to decommission and demolish the former West Valley nuclear reprocessing facility told Cattaraugus County lawmakers Wednesday, May 22 the federal sequester actually resulted in $10 million more in clean-up dollars this year.

Daniel W. Coyne, president and general manager of CH2M Hill B&W West Valley, spoke to county legislators to update them on the phase one decommissioning at the West Valley Demonstration Project in the town of Ashford.

"We're one of the few sites that benefited from sequestration," he said. "We got an additional $10 million, which brought the project back to the level the U.S. Department of Energy called for under the CH2M Hill contract.

"Sequestration helped us," he added, smiling. "Go figure that out." Coyne noted that the site once had a 1,200-member workforce. That has dwindled to about 190, although with more money available than expected, there will be additional work and call-backs of furloughed employees.

Since CH2M Hill took over as site contractor in July 2011, Coyne said more than 48,000 cubic feet of low-level radioactive waste had been shipped from the site. There are another 80,000 cubic feet of new waste from 40,000 square feet of newly demolished buildings that will be shipped off-site next.

The first radioactive building to be torn down in the state in several decades, Building O-114, was demolished on the site earlier this spring. The building was used to mix low-level radioactive waste with concrete.

"The building is on the ground," Coyne told legislators.

One of the priorities is to hire a subcontractor to move 275 10-foot-tall casks containing high-level radioactive glass logs from the vitrification of 600,000 gallons of high-level liquid radioactive wastes left over from the reprocessing of spent nuclear fuel roads by Nuclear Fuel Services from 1966 to 1972.

The canisters will be placed in double-steel casks, welded shut and placed in a five-canister dry storage container for open storage on a concrete pad until there is a place to ship them for permanent storage, Coyne said.

The glass logs had been destined for Yucca Mountain before Congress ended funding for the desert repository four years ago. Now, instead of sitting inside a shielded room in the main process building, they will remain in storage outside on a concrete pad, much like spent nuclear fuel at nuclear power plants across the country.

After the canisters are moved by remote handling equipment into the storage casks and moved to the slab that will be constructed this summer, the main process building where they were being stored can be demolished. Once that building is torn down, the project to remove a radioactive plume that originated from a cell in the building can begin.

One of the contaminants, strontium 90, has been heading toward a nearby creek for some time. It has been intercepted by a deep trench filled with material designed to draw the radioactive material from water passing through the trench.

Coyne said, in all, the company has contracted to take down 60 buildings on the site, including the main process building, and the vitrification plant, where the concentrated liquid waste was mixed with molten glass that hardened into the glass logs encased in steel.

SPRINGVILLE JOURNAL
SPRINGVILLEJOURNAL.COM

June 1, 2013

Student concerned about hazardous waste cleanup

Editor:
My name is Alex Domon, a current senior at West Valley Central School, and would like a few minutes of your time, so that I can explain my concern about the West Valley Demonstration Project.

As you may know, the demonstration project has impacted West Valley for years. We have grown but also deteriorated. The demonstration project has given both Springville and West Valley residents jobs.

Now, it is starting to cause problems for us. We were told that the site will be decommissioned soon, but it has been moving slowly, due to too many funding cutbacks.

The employees of the demonstration site are unclear on where all of the waste, both high-level and low-level, will go. They have been sending low-level waste out, but they are also producing low-level waste and still don't know where the high-level will go.

We have been told that they are in the process of creating exterior storage, for the high-level waste, that will stay here and, eventually, it will be moved to another location, but how do we know that it will be moved? there is no proof, right now.

What I am trying to express is that the decommissioning process is taking too long. If they would have continued to receive the funding they were promised, then they could decommission the demonstration project, on time.

Before this place is fully "dead," it has the possibility to leak into the water around the site and that water will make it 50 miles to Lake Erie. Yes, we are only 50 miles away from the lake. I do not think anyone wants to have a catastrophe on our hands.

Thank you for your time. I wanted to express my view on the subject and to also show you that there is a problem that we need to address.

Alex Domon
West Valley

SPRINGVILLE JOURNAL
SPRINGVILLEJOURNAL.COM

June 1, 2013

Collins gets high marks on its financial audit

By Richard Westlund
JOURNAL CORRESPONDENT

Laura Landers of Freed Maxick CPAs addressed the Collins Town Board on May 20.

Landers reported about her company's recent audit of the town of Collins finances. She explained many facets of that audit, concluding that Collins was in a "good financial shape," with healthy fund balances. She added that she saw no material weaknesses or effective deficiencies in the town's recordkeeping.

She thanked Collins Budget Officer Sue Gamel and Town Clerk Becky Jo Summers for their cooperation and for having records ready and in order, for the audit.

A public hearing, regarding the change of wording in the annual schedule for the board of assessment review meeting, was scheduled, for legal reasons.

With no public present to opine, the board of assessment review meeting was scheduled for "the first Wednesday after the fourth Tuesday in May of each year and thereafter, as may be necessary, to discharge its duties."

In other matters:

– The board agreed to hire beautification workers William Robertson and Nicholas Esposito, at $9.30 per hour. In addition, Ian Giles was hired at $8.75 per hour and Rhiannon Starks was hired as an alternate, at $8.75 per hour.

– Accepted bids for surplus equipment included a gas heater for $20 from Peter Waterman and two sets of bleachers, at $40 each, from Mark Mangano. Items are sold as is and will be removed by May 31.

– Because the federal government has cut funding for the cleanup cost at West Valley Demonstration Project from the original $75 million to $50 million, which is estimated to delay completion by 20 years and increase the total cost by an extra $200 million, the Collins Board resolved that the level of funding must be stabilized for 10 years, to complete phase 1 decommissioning work, as was originally intended, "for public health and safety," at the original $75 million.

The board directed that copies of its resolution should be sent to a several state and federal officials.

– The library hot dog roast, hosted by Erie County Legislator John Mills, will be held on June 8, from 11 a.m. – 2 p.m. All proceeds will go to the library.

The next Collins Town Board meeting will be held on Monday, June 3 at 7 p.m. in the Collins Town Hall.

West Valley Demonstration Project

NEWS RELEASE

FOR IMMEDIATE RELEASE

For more information:
Phone: 509.531.5974

Contact: Lynette Bennett, CH2M HILL B&W West Valley
Phone: (716) 942-4601
E-Mail: Lynette.Bennett@CHBWV.com

CH2M HILL B&W West Valley, LLC Safely Completes Open-Air Demolition at West Valley Demonstration Project

West Valley, NY June 10, 2013 - CH2M HILL Babcock &Wilcox West Valley, LLC (CHBWV) safely completed the demolition of a four-story nuclear facility in May 2013 at the West Valley Demonstration Project (WVDP). Known as "The 01-14 Building", its demolition represents the largest and most complex demolition of a radioactively contaminated facility at the WVDP in the site's history.

The 01-14 Building, a four-story concrete and steel-framed building (41' x 33' x 60' high, with 24" thick reinforced concrete walls), was built in 1971 by the former site operator, Nuclear Fuel Services, Inc. (NFS) to support its commercial nuclear reactor fuel reprocessing business. NFS terminated operations at West Valley in 1972, and the 01-14 building was never put into service for its designed purpose. The building was instead converted to support vitrification of the waste that was produced by NFS. It also served to house equipment that was used to solidify waste liquids that contained low levels of radioactivity, which were then shipped out of state for disposal after solidification. Operations in the building supporting these activities were concluded in 2005, allowing the facility to be slated for demolition.

Dan Coyne, President of CHBWV stated "The CH2M HILL B&W West Valley workforce was deliberate in the planning and execution of the work, resulting in the safe, compliant demolition of the 01-14 Building. Every effort was made to protect the workforce and the environment. We met our objectives and look forward to the future demolition challenges at the WVDP."

Craig Rieman, DOE Deputy Director of the WVDP added "The demolition and removal of the 01-14 Building is an important accomplishment in the progress to decommission the WVDP. This effort showed that robust engineering controls coupled with abundant monitoring techniques can accomplish safe removal of nuclear facilities and will be used to build on future demolition activities."

In 2011, final closure activities were begun, which included removing hazardous components, isolating and removing facility systems, and decontaminating the structure to allow for open-air demolition. These activities were completed in December 2012, allowing CHBWV to initiate final demolition of the facility. Demolition was accomplished in partnership with American DND, a local small business and protégé, headquartered in Cattaraugus County in western New York.

Worker safety and protection of the environment were top priorities for the site during the demolition project. Workers used extensive measures to prevent the spread of radioactive contamination and

safety professionals provided continuous monitoring and sampling during the demolition process. The demolition was completed in 5 months, in challenging weather conditions, resulting in no recordable injuries, no radiological releases, and no environmental issues.

Workers sprayed water onto the structure as it was being demolished to suppress dust from becoming airborne. Excess water was collected, transferred to holding tanks, and sampled prior to its discharge through an onsite wastewater treatment process.

Sixteen air monitoring stations were set up at the perimeter of the West Valley Demonstration Site border to monitor for any contamination release outside the site boundary. In addition, eight air samplers surrounded the demolition site, four air samplers were placed inside adjacent facilities, and a breathing zone monitor on the operator of the demolition equipment. All worksite air samples and perimeter air samples were below regulatory limits and compliant with the requirements in the National Emission Standards for Hazardous Air Pollutants (NESHAPs) and the Occupational Radiation Protection Regulations (10 CFR 835). The U.S. EPA inspected and provided regulatory oversight pursuant to NESHAPs.

The successful completion of this complex project could only be accomplished through extensive planning, timely communication and a close partnership between New York State Energy Research and Development Authority (NYSERDA), Department of Energy (DOE), CHBWV, State and Federal Regulators, and Stakeholders. Forums for active regulatory engagement included bi-annual Regulatory Roundtable meetings, monthly calls with the Environmental Protection Agency (EPA) and the New York Department of Conservation (NYSDEC) and on site meetings with the Nuclear Regulatory Commission (NRC). CHBWV has also regularly reached out to public stakeholders through participation in monthly Citizen Task Force meetings and quarterly public meetings.

As of June 4, 2013, CHBWV has shipped 38 truckloads of non-contaminated construction debris from the 01-14 Building demolition to industrial waste landfills in Pennsylvania and Ohio. In addition, 62 truckloads of radioactive waste have been shipped to Pennsylvania, where it was transferred to railcars and shipped by rail for disposal at a radioactive waste facility in Utah.

The WVDP is located about 35 miles south of Buffalo. The Project is conducted by the U.S. Department of Energy (DOE) in cooperation with the New York State Energy Research and Development Authority (NYSERDA). CH2M HILL B&W West Valley, LLC (CHBWV) manages and operates the WVDP under contract to DOE. The CHBWV team is comprised of CH2M HILL, B&W Technical Services Group (B&W) and the Environmental Chemical Corporation (ECC).

10282 Rock Springs Road West Valley, NY 14171-9799 www.wv.doe.gov

Buffalo Rising

June 6, 2013

Out of Sight, In Our Water?

June 6, 2013 10:43 AM

buffalo rising1

Submitted by Orlando C. Monaco:

The Great Lakes comprise 21% of the world's fresh water supply and here in WNY we are blessed to have two of these lakes, both Erie and Ontario right at our doorstep. Connected by the mighty Niagara River these waterways have been essential to all of WNY in myriad ways.

Given the importance of these vital fresh water resources would it be acceptable for us to allow a known environmental threat to potentially contaminate them for many generations to come? This question needs to be posed because unfortunately here in WNY we do have such threats, one in particular has existed well over 50 years and has the potential to pollute our waterways with something completely invisible to the naked eye, seemingly undetectable, and so dangerous that exposure to even very minute quantities over time is potentially life threatening.

Located only 30 miles south of Buffalo near the town of Ashford is the Western New York Nuclear Services Center. Over 50 years ago portions of this sprawling complex held the promise of reprocessing spent/irradiated nuclear fuel safely and relatively cheaply. Today it is now known as the West Valley nuclear waste site, a high and low level nuclear waste disposal site that in the past and present is a known contaminate of vulnerable watersheds.

It would be wishful thinking that an environmental threat such as this could somehow be contained and remain somewhat localized but the paths of these contaminants have been detected in trace amounts in waterways from Buttermilk and Cattaraugus Creek in Cattaraugus County all the way to the lower Niagara River delta into Lake Ontario in Lewiston NY. The long term prospects for the West Valley nuclear waste site are even more troublesome; with every passing year the natural forces of erosion increase the probability of a major release of radioactive contamination. If such an event were ever to occur the environmental impact would be devastating with radioactive contamination potentially spreading to Cattaraugus Creek, Lake Erie, Niagara River and eventually Lake Ontario.

Given the potential severity of this environmental threat it may be worth our while to try to answer some key questions on the West Valley nuclear waste site:

- What is the history behind the West Valley nuclear waste site and what environmental threats has it posed in the past?
- What are the present and future environmental threats that this site poses to our water resources?
- What plans are in place to address the present and future threats this site presents?

Let's first review a brief summary of the history of the West Valley Nuclear waste site so we can better understand how it was created and what past, present and future threats it poses. The site initially started out as the Western New York Nuclear Services Center (WNYNSC) and was formed in 1961 by the NY Office of Atomic Development which is now know as the New York State Energy Research and Development Authority (NYSERDA). The creation of WNYNSC was prompted by the federal Atomic Energy Commission (AEC) promoting the development of a private sector nuclear industry throughout the United States. Specifically the AEC was prospecting for potential producers of weapons grade uranium and plutonium. One of the means of obtaining these materials was through a process of extracting fissionable uranium and plutonium from irradiated/used nuclear fuel; this is simply known as nuclear reprocessing.

New York State Governor Rockefeller seeing the potential for economic development and job creation in this bourgeoning nuclear industry supported the selection of a private firm, Nuclear Fuel Service, Inc. (NFS) to perform nuclear reprocessing on approximately 705 tons of irradiate/spent nuclear fuel on a 220 acre parcel of WNYNSC site. From 1966 to 1972 NFS completed the majority of its nuclear reprocessing which generated both toxic and high level radioactive waste byproducts all of which were buried in the Nuclear Regulatory Commission Disposal Area (NDA) of the WNYNSC site. It also disposed of reactor fuel assemblies units and irradiated metal parts from various government and commercial waste generators to an area of the WNYNSC site known as the State Disposal Area (SDA).

In 1972 the Nuclear Regulatory Commission, citing serious radiation safety standards violations, demanded NFS to temporarily cease nuclear reprocessing operations. Unfortunately the damage had already been done; trace amounts of plutonium from the reprocessing of nuclear fuel were found in sediments above the Springville Dam on Cattaraugus Creek and a number of core samples of sediments in the Niagara River delta into Lake Ontario also tested positive for plutonium as well. It was also found that radioactive waste disposed by NFS in the SDA area of the WNYNSC site was only buried in shallow trenches and in 1975 some of these started filling up with ground water and leaking radioactive contamination into surrounding tributaries of Cattaraugus Creek such as Buttermilk Creek.

In 1980 with increasing pressure from environmental activist groups and public outrage over what had transpired at WNYNSC Congress passed the West Valley Demonstration Project Act. This legislation facilitated the transfer of management and operation of the 220 acre nuclear reprocessing site within WNYNSC from the NFS to the Federal Government's Department of Energy (DOE) and the 220-acre portion of the site was then named the West Valley Demonstration Project (WVDP). The primary focus of the DOE was to perform waste management, decontamination, remediation, and eventually decommissioning of WVDP. One of the initial tasks undertaken was to put the necessary facilities and infrastructure in place to solidify 600,000 gallons of highly radioactive liquid waste left over from the nuclear reprocessing carried out by NFS. This process is known as vitrification and consists of embedding high level liquid radioactive waste into borosilicate glass which is then poured into large steel canisters. As the DOE moved forward with their preparations for performing vitrification NYSERDA began work on minimizing water infiltration into the SDA by applying a water impenetrable cover over the entire 15 acre parcel. They also installed a series of ground water control barriers and a leachate collection system to pump contaminated water out of the SDA trenches if levels reached a critical overflow point as they had in the past.

In 1996 with all the necessary infrastructure in place the DOE initiated the vitrification process which then continued until 2003. Within that time frame, 20,000 drums of low level radioactive liquid waste solidified in cement was created along with 275 10 ft tall canisters of solidified high level nuclear waste. The drums were eventually moved to a Nevada nuclear waste disposal facility, while the 275 cylinders are to this day housed in the Main Process Plant Building awaiting transport to a currently undefined federal repository. In the years that followed, a somewhat tenuous collaboration between the DOE and NYSERDA continued and a series of Draft Environment Impact Study (DEIS) reports were published between 1996 and 2009. They highlighted the DOE plans for decommissioning WVDP and the short and long term plans for NYSERDA to manage and potentially close the entire WNYNSC site.

WNYNSC, now commonly referred to as the West Valley nuclear waste site, poses a number of serious environmental threats to WNY both today and well into the foreseeable future. Presently, one of the most serious threats, which was originally identified in the early 1990s, consists of a large groundwater plume containing radioactive Strontium-90 migrating North East from the Main Process Plant Building that was formerly used by NFS for nuclear reprocessing. Given this plume's current trajectory, it will, within the next couple of years, intercept both Erdman and Frank's Creek both of which are tributaries of Buttermilk Creek. In 2010, in an effort to slow this plumes' migration the DOE installed an 800+ ft long, 3 ft wide, 30 ft deep underground permeable filtration wall. This wall is composed of over 2000 tons of the compound Zeolite which has the ability to absorb some of radioactive Strontium-90 while allowing ground water to flow through.

Although this massive underground wall has contained some of the Strontium-90, the migration of this plume still continues on its current course unless additional intervention is carried out by the DOE. If this plume were allowed to intercept these creeks radioactive Strontium-90 would eventually make its way into larger waterways such Buttermilk Creek, Cattaraugus Creek, and eventually Lake Erie. With a half life of over 30 years, this type of radioactive nuclide contamination of our water would remain harmful for hundreds of years.

The long term environmental threats posed by the West Valley nuclear waste site in the next 1000 years could vary greatly depending on the course of action the DOE takes in the next century. Two main proposals have been summarized in the Draft Environmental Impact Statement reports issued by the DOE. The first proposal consists of the complete removal of all nuclear waste on the entire site while the second is only concerned with partial waste removal and stabilization of onsite nuclear waste for permanent disposal. One very important and crucial factor that needs to be taken into consideration when evaluating either of these two options is the natural forces of erosion. Landslides, stream undercutting, and gullies are steadily eroding away the plateau that the entire West Valley nuclear waste site resides on and it is only a matter of time before some portions of this site will be compromised.

If the DOE proposal to completely remove all on site waste is undertaken, some estimate that the project would take 73 years to complete at a cost of about 10 billion dollars. The major benefit of this option would be the forces of erosion would not have a chance to pose any serious threat to the integrity of some portions of the site and the site would be completely remediated and closed.

On the other hand, if the DOE selects the second proposal and nuclear waste is left onsite for permanent disposal, the cost and environmental risks of managing this site increases significantly. Depending on whether or not the DOE attempts to maintain erosion control systems, some estimates have the integrity of the State Disposal Area (SDA) being compromised by Franks and Erdman Creek anywhere from a thousand years down to 150 years. The breach of the SDA would be a catastrophic event with the release of high levels of radioactive waste into the local watersheds that would eventually make its way into Cattaraugus Creek and not long after, Lake Erie.

From a cost perspective, the management of the West Valley nuclear waste site, while maintaining nuclear waste onsite for the next 1000 years, has been estimated anywhere from 13 billion to 27 billion dollars depending on whether or not a major radioactive contamination event occurred. Ironically, the DOE currently prefers leaving this nuclear waste on site as the more economical solution as opposed to transferring the waste to a less risk prone disposal site.

The West Valley nuclear waste has established itself as one of the biggest threats to our fresh water resources here in WNY. The initial negligence and mishandling of nuclear waste on this site has left us with a toxic legacy that if not handled appropriately could be detrimental to all of WNY for many generations to come.

Despite the remediation efforts and all the control systems that have been devised to reduce the probability of nuclear waste on this site from contaminating our local waterways, this site still poses a serious environmental threat that residents of WNY must not now or ever ignore. It is now time for the Department of Energy to fully remediate and close this site before all of WNY pays a terrible price.

Nuclear Information and Resource Service
http://www.nirs.org/

West Valley Coalition on Nuclear Wastes
http://www.digitup.org/

Great Read on West Valley nuclear waste site risks and clean up scenarios.
http://www.nirs.org/radwaste/decommissioning/wvfcareport1108.pdf

DEC Article on West Valley nuclear waste site
http://www.dec.ny.gov/docs/materials_minerals_pdf/westvalley2008.pdf

Images:

West Valley nuclear waste site - Aerial View - - Credits: US DEC
West Valley nuclear waste site - State Disposal Area (SDA) - Radioactive Waste Buried in Shallow Trenches - Credits: US DEC
West Valley nuclear waste site - Radioactive Strontium-90 Plume- Credits: US DEC
Cattaraugus Creek, Zoar Valley - Credits: Andy Arthur (Tributary that flows into Lake Erie South of Buffalo)
Gallagher Beach Lake Erie - Credits: Orlando Monaco

SPRINGVILLE JOURNAL
SPRINGVILLEJOURNAL.COM

Ashford weighs in on nuisance and right to farm laws

Monday June 24, 2013 | By:Jessie Owen, Journal editor | News

ASHFORD — The Ashford Town Board invited Attorney Charles Harrigan to its June 12 meeting, to weigh in on discussions regarding the creation of a noise law in Ashford.

According to Harrigan, the board's wish is to allow itself to prohibit excessive noise and to provide a means of addressing resident complaints.

Town Supervisor Chris Gerwitz said that local police officers have reported that there is currently nothing they can do, when they respond to noise complaints.

Harrigan advised the board to consider purchasing a sound level meter, which would provide a concrete guideline for the law, as opposed to individual determination about noise levels.

"People hear differently," he said. "You need to have some kind of standard, if you are accusing someone of breaking the law."

Utilizing a sound level meter would allow a responder to measure the decibels put out by the accused noisemaker and use that number as evidence. According to Harrigan, using such a device would make the town's proposed law objective, rather than subjective.

"Someone, in front of a judge, could say, 'They complain about me, all the time.' You have to have a standard, across the board."

The attorney said that the new ordinance would not apply to required municipal noise.

Harrigan brought examples of neighboring municipalities' noise ordinances, for the board to peruse. These ranged from the vague to the very detailed, according to the attorney. "We just have to determine what you, the board, wants to control," he said.

"But, if we don't have a machine to register decibels, we're shooting ourselves in the foot," he added. "Any lawyer could shoot that down, in a minute. If we don't buy a machine, we might as well let this lay."

The attorney recommended that the board consult with the town planning board, about this issue. Harrigan will attend the planning board's next meeting.

The board also discussed the right to farm law, in the Agriculture Marketing Act. This allows for the forming of agricultural districts.

SPRINGVILLE JOURNAL
SPRINGVILLEJOURNAL.COM

This law would give individuals the right to farm, under certain conditions. The city of Buffalo is currently working on establishing such an ordinance.

According to Harrigan, if Ashford were to adopt the right to farm law, farming would be allowed anywhere in town, including near the school, because the town currently has no zoning.

While the attorney said that a right to farm law could be written up "very quickly," he said that the zoning issue would become a hurdle the board would need to overcome. "You will have no control over where people can have a farm," he said.

The issue was tabled, for the time being.

In another matter, the board discussed the continuous use of temporary homes, such as trailers. "Focus on what problem you're wanting to prevent: permanent residences," Harrigan said.

Board Member William Heim said the problem the board was addressing was individuals' making temporary homes into permanent residences, without paying town taxes. According to Code Enforcement Officer Gary Perkins, people may obtain permits, for 75 days of continuous use.

In other matters:

- Five radios will be purchased for local constables. The devices that were formerly used will be given to the highway department. The new constable radios will be digital, to allow communication with local sheriffs.

- Heim pointed out the "billions of dollars in money overpaid in workmen's compensation, last year" in New York state, none of which was returned to business owners. Instead, that money was transferred into the general fund. "We will never see that money," he said. "[Gov. Andrew] Cuomo said there wouldn't be any new taxes. What do you call that?"

- The board designated Gerwitz to receive notice of claims served upon the secretary of state, by mail. Town Clerk Patricia Dashnaw was directed to file the required certificate with the secretary of state, with Gerwitz's designation.

- While the board had previously appointed a new court clerk, it made a resolution to create a new civil service position, for that individual, as required by law.

- The board adopted New York state retirement standards for town employees.

SPRINGVILLE JOURNAL
SPRINGVILLEJOURNAL.COM

- The board requested that portions of the Western New York Nuclear Service Center be included in legislation approving Cuomo's tax-free New York proposal, which created tax-free zones, adjacent to state and private universities and state-owned strategic sites. All board members except Beverly Hess voted in favor of this request.

- Dawn Marie Martin was appointed as assessor, at the recommendation of Bill Nellis, who has been an assessor, for many years.

- Hess informed the board about JBI Inc.'s Plastic2Oil, which creates diesel fuel out of plastics. She suggested utilizing this service for the plastics farmers use, for their cattle feed. "They are never biodegradable," she said, about the materials. The board will send a letter to Cattaraugus County legislators, with the request that a dropoff site be created, for such recycling.

- The board approved the purchase of a set of forks for the highway department's loader, per a request from Highway Superintendent Tim Engels. These will cost approximately $5,000.

- Hess advised local residents to be on the lookout for an individual who recently broke into an East Otto home. The burglar stole two guns and a TV.

The next board meeting will be held July 10 at 7:30 p.m.