

OLEAN TIMES HERALD

Cattaraugus County expected to report surplus

Posted: Tuesday, March 25, 2014 12:25 pm

By Rick Miller, Olean Times Herald

LITTLE VALLEY — Did the 2013 Cattaraugus County year end in the black?

Cattaraugus County Treasurer Joseph G. Keller will outline his initial budget findings to county lawmakers on Wednesday.

It has been many years since the county did not report an end-of-year budget surplus. A surplus is expected this year as well, thanks in part to the agreement last year between Gov. Andrew Cuomo and the Seneca Nation of Indians that freed up casino funds for the county.

The county's independent auditors are expected to report their more detailed findings in April or May.

Going into late 2013, the fund balance was reported to be in the area of \$16 million, down from more than \$22 million earlier in the year.

Mr. Keller will spell out approximately how much was added to the surplus at the end of 2013.

A public hearing will be held at 3 p.m., before Mr. Keller's report, on a proposed local law authorizing county corrections officers to reside in Cattaraugus County or one of the surrounding New York counties.

Corrections officers and other county employees are currently required to be residents of Cattaraugus County.

The local law is designed to provide a larger pool of potential candidates to be available to choose from.

If the law is approved, correction officer will also be able to reside in Chautauqua, Erie, Wyoming and Allegany counties.

Also on the agenda for Wednesday's meeting at the County Center here is a resolution asking the U.S. Department of Energy to increase and stabilize funding for the West Valley Demonstration Project.

Sponsored by County Legislature Chairman Norman Marsh, R-Little Valley, the resolution asked the DOE to restore annual clean-up funding to the \$75 million level called for in the 2010 Final Environmental Impact Statement.

Over the past few years, WVDP funding has ranged from \$60 million to \$65 million.

Mr. Marsh said the lower funding level means adding 10 years to the Phase 1 cleanup at a cost of an extra \$200 million.

The resolution asks that the \$75 million be restored for the 2014 budget year — up from the current \$65 million — and that it remain stable over the next 10 years to complete Phase 1 cleanup operations.

(Contact Rick Miller at rmiller@oleantimesherald.com.)

THE BUFFALO NEWS

- *Opinion*

Letter: Secure nuclear waste at West Valley project

March 29, 2014 - 12:01 AM

Last weekend, a huge mudslide in Snohomish County, Washington, buried a town, with at least 25 people dead and 90 still missing. In August 2009, Western New York experienced a short burst of heavy rainfall after saturating rain over a few days. This storm unleashed flash flooding along Cattaraugus Creek, deaths and extensive damage.

At West Valley, a landslide occurred that moved tons of loose soil from steep banks into Buttermilk Creek. Like in Snohomish County, the West Valley Nuclear Waste Site has loose glacial till and steep slopes that become unstable after saturating rains. A landslide similar to that in Washington could carry tons of cancer-causing highly radioactive waste to Cattaraugus Creek and Lake Erie – a source of drinking water for millions of people.

Extreme rainfall events are predicted impacts of climate change in the Northeastern United States. Environmental activists received unanimous support from the public for a permanent solution to the dangerous nuclear waste on site: dig it up and store it securely. Unfortunately, agencies and public officials have grown complacent about West Valley – too little funding, lots of delays and too little action.

State senators are currently planning to cut the \$12 million allocated for West Valley cleanup. This should be fully funded and our leaders need to think about passing a law to require what is absolutely necessary – digging up and securing the hazardous nuclear waste.

Barbara Warren

Executive Director

Citizens' Environmental Coalition

Art "Happy" Klein

Tonawanda



NUCLEAR WASTE

Nuclear waste facility in political, environmental limbo with full decommissioning still years away

By Kate O'Connell, WXXI, April 11, 2014

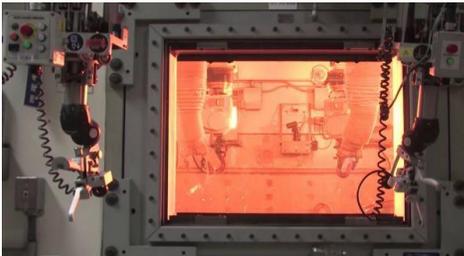
West Valley Demonstration Project



West Valley Demonstration Project



West Valley Demonstration Project



West Valley Demonstration Project Interior



West Valley Demonstration Project Interior



West Valley Demonstration Project Exterior



Jim Day/WXXI

The U.S. is the world's largest nuclear power producer, and more than a quarter of New York's electricity is supplied by atomic energy. As older nuclear plants in the state, and across the US, reach the end of their operational life, managing the nuclear waste left behind has become an ongoing national issue.

For nearly half a century, western New York has been home to one of the nation's most unique nuclear facilities. The [West Valley nuclear site](#), 30 miles south of Buffalo, is the only commercial nuclear [reprocessing plant](#) to have operated in the United States. (Video tour of the facility after the jump)

In just six years, beginning in 1966, the plant processed more than 700 tons of spent nuclear fuel, generating 660,000 gallons of high level radioactive liquid.

Reprocessing spent fuel

Spent fuel cells from nuclear reactors and weapons testing sites around the country were broken down at the plant in a process which extracted useful uranium and plutonium for re-use.

While the site recycled nuclear waste from other reactors, the radioactive cocktail left behind was still highly hazardous.

And, it would go on to cause a host of issues.

"This is actually the worst thing you can do for nuclear waste as I think anyone who has experience with West Valley cleanup should know," says Ed Lyman of the Union of Concerned Scientists.

"...reprocessing is actually the worst thing you could do..."

"When you process spent fuel you increase the likelihood that you can have accidents or releases into the air or water and you generate various types of waste, each of which is very difficult to deal with. So reprocessing is actually the worst thing you could do, however some countries continue to do that based on the misguided belief that reusing the plutonium in spent fuel is beneficial."

Along with reprocessing, the West Valley facility also served as one of six commercial low-level waste disposal sites designated in the U.S.

The legacy of both operations has resulted in contamination of the soil, air, and water at the site.

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No solution

But, more than four decades after the plant closed its doors, what to do with the waste at West Valley remains an open question.

Cleanup of the site has been underway since 1980, and to date it's cost the state and federal governments more than \$2.9 billion.

"There are clearly legacy issues from those early generations of nuclear facilities and in fact, we learned from that legacy and put in place regulations that are much more stringent and well informed for the current generation of facilities," says Mike Webber of the Nuclear Regulatory Commission (NRC).

By 1972, it was clear that profit margins for the facility were lower than projected. West Valley's commercial operator, Nuclear Fuel Services (NFS), closed the plant for modifications to improve efficiency. But, when evolving regulatory requirements saw the site quickly fall below code, the cost of reopening became prohibitive and NSF bowed out, leaving responsibility for the site with the New York State Energy Research and Development Authority (NYSERDA).



Credit Jim Day/WXXI

The majority of waste reprocessed at West Valley came from federal facilities, and in 1980 the US Department of Energy (DOE) became responsible for solidifying the liquid byproduct.

They utilized a process called **vitrification**, which resulted in 275 barrels of highly radioactive glass.

Environmental concerns

But, some contaminated sludge remains and, along with the buried waste at the site, it's seen as a risk for the surrounding environment.

"It needs to be removed..."



“It needs to be removed. And unfortunately, wherever it goes is going to be a sacrifice area because there’s no way to contain nuclear waste that lasts hundreds of thousands and millions of years,” says Diane D’Arrigo, member of the [Nuclear Information and Resource Service](#).

D’Arrigo says potential contamination of the local water table is now the biggest concern.

“Nuclear waste was brought here and buried in unlined soil trenches... surrounded by streams that cut and drain into Cattaraugus Creek, which gushes into Lake Erie right below where western New York, Erie and Buffalo get their drinking water supply.”

NYSERDA and DOE officials say the natural presence of thick clay at the waste site prevents harmful radioactive isotopes from leaching into the environment.

They test soil, milk, vegetables, and even the meat from road kill in the surrounding area on a regular basis to make sure contamination isn’t leaching off-site.



West Valley Demonstration Project Exterior
Credit Jim Day/WXXI

However, according to D’Arrigo, it’s estimated that the site will erode into the Great Lakes in the next 150 to 1500 years.

And, she says, increasingly severe weather events mean the waste could be exposed sooner than predicted.

"...we cannot wait for this stuff to leak out..."

“It’s eroding slowly, but we could have big incidences where more could come... we cannot wait for this stuff to leak out, it has to be dug up and stored retrievably, monitored and maintained.”

The 2011 disaster at the Fukushima plant in Japan drew attention to the impact of severe weather events on nuclear facilities. The earthquake and tsunami caused a partial meltdown at Fukushima and prompted a full review of safety in US nuclear facilities.



While some changes were required, the NRC deemed that the current arrangement for fuel storage at most commercial plants was safe.

But, Ed Lyman of the Union of Concerned Scientists says that conclusion is symptomatic of the gaps in nuclear regulation worldwide.

“Part of the systemic problem that made Fukushima possible was the fact that regulators in the nuclear industry simply believed that something like that could not happen.”

And Lyman agrees that increasingly severe weather events could pose future threats to US facilities too.

“...how safe is safe enough?”

“The problem, as always, is how safe is safe enough? And we have concerns that the measures that the NRC is requiring don’t go far enough to really protect US power plants against the whole range of disasters that they might face,” said Lyman.

National solution

Nuclear fuel can remain radioactive for hundreds of thousands of years, and that’s how long it needs to be safely stored, according to Lyman.

The NRC’s Mike Weber says the legacy of nuclear waste, which remains long after many plants have closed, is an issue the NRC is actively considering.

“If we license a nuclear power plant we consider the environmental impacts associated with that decision in an environmental impact statement that’s specific for that nuclear power plant. And, if we were to license a high level waste repository, we would consider the environmental impacts associated with the disposal and the transportation and the use of that repository for the spent fuel and the high level radioactive waste.”

“The question arises, well gee, what if you had to store the fuel beyond the licensed lifetime of the nuclear power plant because there would perhaps be a delay in the availability of the repository? What then? What are the environmental impacts associated with that?”

NYSERDA and the DOE are facing that very issue at West Valley. They’re currently working to decontaminate and decommission the site in two phases.

Phase one is already underway, and includes multiple studies intended to inform final phase two decisions, scheduled for 2020.



West Valley Demonstration Project

Credit Jim Day/WXXI

But for Joanne Hameister, a member of the [Coalition on West Valley Nuclear Wastes](#), after being involved in the issue for nearly four decades, the endless parade of studies is getting tiresome.

"There have been far too many studies..."

"There have been far too many studies," says Hameister

"And they do cost money and I feel that the money they're spending for additional studies could be used to do waste remediation at some level. It's just my view, I'm impatient about getting things done. I'm not going to see this place cleaned up, I can't live to be 150, I just can't."

NYSERDA director for the West Valley site, Paul Bembia, says the studies are necessary to make sound decisions for the site. And, the 2020 timeframe is, in his view, an aggressive one.

"Some of the issues that we're addressing right now through the phase one studies are some difficult scientific and technical issues. NYSERDA and the DOE have brought in some of the top experts in the country to help us with those, and that scientific process is just going to take a little bit of time."

And, Bembia says, decommissioning activities are already taking place.

"We are working on very significant decommissioning activities right now..."

"We are working on very significant decommissioning activities right now while we're doing the phase one studies, so the phase one studies are not holding up the decommissioning activities."



Bembia says studies will continue to be done over the next few years. After that, another environmental impact statement will be prepared for the site, public comment will be elicited, and decisions will be made.

But, even if phase two decisions support the removal of all waste from the West Valley site, there's nowhere for it to go.

And Ed Lyman of Concerned Scientists says there'll be no solution at the national level for several decades.

"The current law says spent fuel will be buried in [Yucca Mountain](#), and so until that law is changed nothing can really happen. And in Congress there's very little action or appetite for dealing with nuclear waste legislation."

Mike Weber at the NRC says the issue is no longer a scientific one.

"The staff did not identify any technical or scientific reason that would lead us to conclude that you could not license the Yucca Mountain repository."

But, the issue has become highly politicized.

"It's really now in the hands of the policy makers here in Washington, between the Congress and the President to decide which course would be best to pursue," says Weber.

"Based on the estimates I've seen from the Department of Energy, regardless of which path is taken, we're probably looking at decades before there would be an operating national geologic repository for high level waste or spent nuclear fuel."

In the absence of that national solution, local resident Joanne Hameister says West Valley could still be a valuable case study.

"It is so complex, so it's the worst case scenario. They could make some inroads into treating waste using West Valley like a pilot plant, I think they've missed the boat on that."

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April 12, 2014

- *City & Region*

Higgins: Active at home, quiet in Congress

Higgins works under radar in Washington

By **Jerry Zremski** | News Washington Bureau Chief | [@JerryZremski](#) | [Google+](#)

WASHINGTON - He's the top Democrat on the Homeland Security subcommittee that oversees America's intelligence operations, but he's had little to say about the National Security Agency's spying on Americans.

He's introduced fewer bills than most of his peers, and the only ones he's steered to passage assign new names to post offices and the new federal courthouse in Buffalo.

A Buffalo News survey a year ago ranked him as the area's second most effective leader – yet a Capitol Hill newspaper once named him to its list of most obscure members of Congress.

Now in his 10th year in the House, Rep. Brian Higgins of Buffalo remains an anomaly: a lawmaker who is every bit as unnoticed in Washington as he is revered back home.

To hear Higgins tell it, that's just the way he planned it.

"I never came to Congress to be a national leader," Higgins said in an interview. "My service in Congress is everything about Buffalo and Western New York. I've learned that when you do good for your community, you're doing good for your country, because the most important part of my country is my community."

Higgins said his Buffalo-first approach has spawned many victories: a settlement with the New York Power Authority that brought \$279 million to the Buffalo waterfront, the removal of tolls from the Niagara Thruway and several behind-the-scenes legislative efforts that boosted everything from the local Army Corps of Engineers office to the **West Valley** Demonstration project.

But to some who think that being a member of Congress is first and foremost a federal government job, Higgins is playing small ball in the big leagues.

"He should be taken to task for acting less like a congressman and more like a city councilman in Washington," said James E. Campbell, a professor of political science at the University at Buffalo and a Republican.

One thing is for sure: Higgins is not the kind of national political figure that the late Rep. Jack Kemp, R-Hamburg, was, nor has he carved out a role in the House leadership like Republican Reps. Bill Paxon and Thomas M. Reynolds.

He's more in the tradition of Rep. Henry Nowak, a well-liked Buffalo Democrat who brought home the bacon while moving inconspicuously through Washington for nearly two decades.

Proof of that point can be found in the contrast between Rep. Pete King, the Long Island Republican who chairs the House Homeland Security Subcommittee on Counterterrorism and Intelligence, and Higgins, that panel's top Democrat.

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In the wake of Edward Snowden's release of countless documents on the National Security Agency's collection of data about average Americans, King defended the agency and was quoted in publications ranging from the New York Post to USA Today to the Wall Street Journal. He also went on CBS's "Face the Nation" to say: "I fully support the NSA program. It's been effective. It's done an outstanding job."

In contrast, Higgins' only media comments on the issue came in The Buffalo News.

Asked about his low profile on the issue, Higgins said it's because of his nuanced view of the NSA spying effort.

"I haven't come down hard one way or the other; I'm simply being truthful and honest about the difficulty of striking the balance between protection of the homeland and protecting individual rights," Higgins said in a long answer to the question in which he raised and dwelled upon the intelligence that was gathered to thwart an al-Qaeda plot to blow up a train traveling between Niagara Falls and New York City.

What's more, Higgins said he's not anxious to go on television talk shows to discuss national issues because he doesn't like talk shows and doesn't learn anything from them.

"I could certainly polish myself up and get on those programs, but you've got to be able to contribute something to what they're looking for," Higgins said.

"And really, what they're looking for is not a thoughtful, nuanced approach to things. They're looking for the extremes."

Higgins says there's one more reason why he often turns down requests for national television appearances.

"It conflicts with my Buffalo time," he said.

Slow to fundraise

Unlike members of Congress with leadership aspirations, who often travel the country to raise campaign funds on some weekends, Higgins typically flies back to Buffalo as soon as House votes are done for the week. He doesn't return to Washington until votes are about to begin the following week.

While in Washington, Higgins has built strong relations with New York's two senators and with House colleagues on both the Democratic and Republican sides, according to congressional staffers from both parties who described Higgins as smart and collegial and his staff as easy to work with.

Yet they also noted that he has not used campaign donations to win the loyalty of his colleagues in the manner of many ambitious politicians.

Like many of his colleagues, Higgins has a "leadership PAC" to serve that purpose, but his "New Economy PAC" had raised only about \$12,000 by the end of last year.

In contrast, the Jobs, Education and Opportunity PAC, sponsored by Rep. Joe Crowley of Queens, who is rising in the Democratic leadership ranks, raised more than \$475,000.

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“It’s not something I spend a lot of time with or want to spend a lot of time with,” Higgins said of fundraising for his leadership PAC.

Not getting bills passed

More importantly, though, congressional aides said Higgins has not been an especially aggressive legislator on the national level, and the numbers prove that point. As of late March, Higgins had introduced 58 stand-alone measures since joining the House in 2005, fewer than all but one of the eight House Democrats who were first elected in 2004 and who still serve in Congress.

Three of his bills – two naming post offices and a third naming Buffalo’s Robert H. Jackson U.S. Courthouse – have passed, as did a resolution honoring NBC newsman Tim Russert after his death in 2008.

Other than that, though, Higgins’ legislation has either moved along slowly or not moved at all. For example, he’s been winning more cosponsors every year for a bill that would require insurers to more broadly cover anti-cancer drugs, but his 2012 proposal to invest \$1.25 trillion on American infrastructure died with only two cosponsors.

None of the other Democrats elected to the House in 2004 have substantial national legislative records, either, and that’s in part a sign of the times. With Congress deeply divided, last year 5,018 bills were introduced in the House and only 66, or 1.3 percent of them, became law.

“The congressional ethos today is about stopping legislation from happening,” Higgins said.

Working for WNY

That being the case, Higgins said he has worked the legislative process through alternate means and brought results for his own congressional district. For example:

- He used the threat of federal legislation not only to win the Power Authority settlement that’s rebuilt Buffalo’s waterfront, but also to persuade the state government to remove tolls from the Niagara Thruway.
- After funding for that Buffalo courthouse was stalled for years, Higgins went to the chairman of the House Transportation and Infrastructure Committee at the time, Rep. Jim Oberstar, D-Minn., to press Buffalo’s case – which led to the building receiving federal funding.
- He’s repeatedly partnered with Rep. Tom Reed, R-Corning, to pass amendments boosting funding for the **West Valley** Demonstration Project.
- With Rep. Chris Collins, R-Clarence, he won passage of an amendment barring the Army Corps of Engineers from shrinking its operations in Buffalo.
- And in the Homeland Security Committee, he won passage of an amendment blocking the federal government from studying the implementation of a border crossing fee.

That Buffalo-centric approach has won Higgins plenty of praise back home. A Siena College poll last summer found him with an astronomical favorability rating of 77 percent. And even Anthony Gioia, one of the regions’s top Republican fundraisers, thinks so much of Higgins that he hosted a fundraiser for him late last year.

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“He is so committed to what is right for Western New York. I couldn’t ask for anything more from this guy,” Gioia said at the time.

Keeping a low profile

There’s a price to be paid, however, for a federal lawmaker whose focus is so strictly local: the price of obscurity.

Asked to comment on Higgins, Nathan Gonzales, deputy editor of the widely respected Rothenberg Political Report, said: “It’s been 10 years since I’ve even thought about him.”

Gonzales quickly added that the main reason he hasn’t thought about Higgins is because the Buffalo congressman has not had a competitive race since 2004, and Gonzales’ job is to track competitive races.

But Gonzales is by no means alone in not thinking about Higgins. National political reporters don’t seem to be thinking about him either.

Higgins’ name has appeared in Politico, a daily must-read for Washington insiders, only 60 times since the news site’s founding in 2007. Among House Democrats first elected the same year as Higgins, the median number of Politico appearances was 246.

Kathy Weppner, the Republican who is challenging Higgins in New York’s 26th congressional district this November, declined to comment for this story. But Erie County Republican Chairman Nicholas A. Langworthy said that Higgins hasn’t cut the kind of strong national profile that would be expected of a lawmaker with nearly a decade of seniority.

“I think that shortchanges Western New York,” Langworthy said. “We need the strongest voice representing us on the national level.”

Higgins, however, sees things very differently.

“The members of Congress who are making a name for themselves nationally are the members that are making spectacles of themselves,” he said. “If you say outrageous things on the House floor during the State of the Union, you get notoriety. If you advance crazy ideas, you get noticed.”

Higgins’ low profile has not gone completely unnoticed, though. Roll Call, another Capitol Hill newspaper, named him to its “Obscure Caucus” in 2009.

“Higgins has all but faded into the woodwork and is now just another pretty face,” Roll Call said.

The newspaper removed Higgins from the Obscure Caucus two years later, but for the ultimate of faint-praise reasons.

“Democrat Brian Higgins would have easily kept a spot in the caucus, but the loss of two seats in New York following reapportionment led him to hire a lobbyist in Albany to make sure he holds on to his Buffalo-area district – not an obscure move by far,” the newspaper said.

Asked about those mentions in Roll Call, Higgins said: “It’s not something I put much thought into.”

What he has put thought into, he said, is using his seat in Congress to boost Buffalo.

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“I didn’t come here to be a Washington-based congressman,” he said. “It’s not what I do. I’m in Buffalo every single week because my job is through the bully pulpit and whatever resources I have available to me – budgetary, legislative – to help my community. And I think my record in that regard is very substantial.”

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