



New York Farm Bureau • 159 Wolf Road P.O. Box 5330 • Albany, New York 12205 • (518) 436-8495 Fax: (518) 431-5656

November 25, 2014

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

Dear Mr. McClymonds,

New York Farm Bureau, the State's largest agricultural advocacy organization with almost 25,000 members across New York State wishes to voice its opposition to the proposed RMU-2 landfill and related applications by CWM Chemical Services, LLC. Our membership has serious concerns about the impact that the proposed RMU-2 facility would have on agricultural land and markets. We urge the Facility Siting Board to deny a Siting Certificate to CWM Chemical Services, L.L.C., and to oppose issuance of a permit for the facility by the Department of Environmental Conservation. We also wish to express our support for the Niagara County Farm Bureau's comments and their application for Party Status.

Agriculture is a vital part of the community and roughly one-third of the Niagara County is used to support 760 farms. Generations of family farms have played a significant historical and cultural role in the community. Niagara County produces a wide variety of agricultural products such as milk, beef, vegetables, fruits, wines, grains, and horticulture items. The market value of these products totals over \$122 million and directly impacts the vitality of the local economy.

More importantly, farmers are stewards of the land and work hard to ensure that the land they farm is healthy. The proposed RMU-2 landfill would negatively impact the land and stewardship farmers have instilled. Adding to the discharges of PCB's, volatile and semi-volatile chemicals from the CWM facility would be adverse to area farms. A new hazardous waste landfill would have a serious impact on our environment with lasting implications. Adding this kind of pollution to waterways and farmland could make them unusable in future years and damage the reputation and marketability of agriculture products from the region.

Niagara County is home to a vast wealth of natural resources including the Niagara River, Niagara Falls, and is part of the Great Lakes Watershed, which is the largest source of surface fresh water in the world. The addition of another hazardous waste landfill and the large associated lagoons in Niagara County would add an unwise and unnecessary burden to our waters. This not only impacts Western New Yorkers, but the tens of millions of Americans and Canadians located near these water bodies.

Not only are there environment concerns associated with a new hazardous waste landfill but significant economic costs to the community as well. Reductions in property values, new housing construction, attraction of new clean sustainable businesses, tourism, and tax dollars are all a concern. Growth-reducing impacts to local populations from the proposed RMU-2 would, in turn, adversely impact the farm markets and overall farm profitability.

Recently, Niagara County has experienced some positive economic development, especially in the area of tourism. The New York State-designated Niagara Wine Trail, which runs through the heart of Niagara County, is host to 13 wineries and seasonal wine tastings and community events. The Trail's popularity has brought in increased tourists and tourism dollars. The Trail supports not only wineries, but vineyards and local farmers who market their goods. Further wine trail expansion opportunities would be limited by a new landfill because not only would tourists be competing with landfill trucks on roadways but also the perception that local goods maybe compromised by leaked contaminants could deter tourists.

RMU-2 would increase the past 40 years' hazardous waste landfill burden on Niagara County by an estimated 65%. Per estimates provided by DEC in 2008, waste under long-term management at CWM is depicted below, with RMU-1 and RMU-2 capacity shown beneath.

<u>Haz. Waste Landfills</u>	<u>Operated</u>	<u>Acreage</u>	<u>Tons (cy x1.5)</u>
SLF's 1-6,7,10,12	1971-1995	78	3,705,378
RMU-1	1995-2015	49	5,400,000
Proposed RMU-2	2015-2045	47	<b>6,000,000</b>

According to evaluations by experts for Niagara County and its Board of Health, RMU-2 would increase leakage and migration of contaminants from the site, adding to the environmental and public health burden on residents, as well as additional spills, leaks, and accidents on surrounding roadways from trucks travelling to and from the facility. There are significant numbers of homes and facilities, including school and hospitals, along routes to the facility that would be affected.

As part of the Facility Siting Board's decision process, they must consider the 2010 New York State Hazardous Waste Facility Siting Plan, that stated, *"Based on the national availability of facilities, there are sufficient available TSD (Treatment, Storage, and Disposal) facilities for management of RCRA (Resource Conservation and Recovery Act) hazardous waste generated in New York, and will be for the foreseeable future. Periodically, US EPA will revisit the issue of national capacity and need through analysis of available data and regulators at both state and federal level will have years of lead time to address potential capacity shortfalls. Thus there is no current or near term need for increased capacity for hazardous waste management in New York State."* This statement alone shows that RMU-2 is not needed.

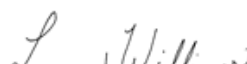
Our farmers take the care and protection of our environmental resources in New York very seriously. Clean water is essential to healthy crops and livestock and ensures the protection of drinking water for our farm families, their communities, and all residents of New York. All the work that farmers have done to protect the water and other natural resources would be further jeopardized by discharges and accidents that would occur due to RMU-2 operations.

Therefore New York Farm Bureau respectfully requests that the Facility Siting Board for CWM's Proposed RMU-2 landfill project deny the application for a Certificate of Environmental Safety and Public Necessity. We also request that the DEC deny all permit applications related to the hazardous waste Treatment, Storage, and Disposal Facility. We thank you for the opportunity to comment on the RMU-2 landfill and the impact it will have on agriculture in Niagara County.

Sincerely,

A handwritten signature in cursive script that reads "Lauren Williams".

Lauren Williams  
Assistant Director of Public Policy

A partial handwritten signature in cursive script, showing the beginning of the name "Lauren Williams".