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Fewer Monitors Proposed by Waste-Site Regulators

By KIRK SEMPLE

WHITE PLAINS, Nov. 3 - State environmental regulators have proposed eliminating a longstanding policy requiring state monitors at most hazardous waste sites.

The change would also allow the owners of most of the sites where monitoring would still be required to hire private inspectors.

The proposal by the Department of Environmental Conservation has worried some environmental groups, which contend that the proposed change would gravely weaken the policing of the state's worst polluters and jeopardize natural resources and the health of residents.

"Are they saying that facilities that violated the law on a regular basis are safe and don't require monitoring?" asked Mike Schade, the western New York director of the Citizens' Environmental Coalition, a group based in Albany. "We're talking about facilities that can pose an incredible threat to surrounding communities."

The current policy, which has been in effect for at least 15 years, specifies a range of sites and activities that require monitoring by on-site inspectors from the Department of Environmental Conservation, including commercial hazardous waste landfills, commercial hazard waste incinerators, hazardous waste sites undergoing cleanup and sites that process and treat hazardous waste.

Under the policy change, state monitors would be required only at commercial hazardous waste landfills. Monitoring would no longer be required at the other sites, though state regulators could order it. In addition, in cases where the agency has required a site to undergo inspection, the new policy would permit the owner or operator of the site to hire private monitors who would report to the Department of Environmental Conservation.

A spokesman for the agency said on Wednesday that the proposal did not amount to a weakening of the current policy. "It's less restrictive and provides us with greater flexibility," said the spokesman, Michael J. Fraser.

Mr. Fraser said the agency did not plan to remove its monitors from sites where they were already present, and all private monitors allowed under the proposed policy would be subject to the same standards of review and accountability as agency monitors.

About 70 state monitors currently work at about 300 waste sites around the state, he said. Their job is to make sure that site operators meet the requirements of their operating permits.

Mr. Fraser said he did not know whether the proposal would result in cost savings for the agency.

Under the current policy, site operators are required to reimburse the agency for the cost of the monitors.

Opponents of the proposal - a group that includes environmental activists and citizen groups, legislators and the Public Employees Federation, the union that represents the Department of Environmental Conservation's scientists and technicians, including its monitors - contend that private monitors hired by site operators would be subject to coercion by their employers.

"It strains credulity to believe that a monitor paid by the violator would be as objective or as vigilant as an employee" of the Department of Environmental Conservation, Stephen T. Connolly, a researcher for the Public Employees Federation, wrote in a letter to the environmental agency. Leaving it to the state to decide whether a site needs on-site monitoring, he added, "exposes important environmental decisions to political pressure."

State Senator George D. Maziarz, who represents all of Orleans County and part of Monroe and Niagara Counties, said in a letter to Commissioner Erin M. Crotty of the Department of Environmental Conservation that state monitors provide "psychological comfort" to nearby communities.

"Anything less," he said, "will fracture any trust between these communities and your agency."

A five-week public comment period ends on Friday, but some opponents have complained that the period is too short and have requested additional time.

Assemblyman Thomas P. DiNapoli, chairman of the Assembly's Environmental Conservation Committee, urged the agency in a letter to hold hearings in each of its administrative regions because of "the substantial public interest in this proposal."

State proposes shift to private landfill monitors

By MICHAEL HILL
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ALBANY, N.Y. -- New York environmental officials are proposing to replace their waste site monitors with private-sector workers, despite complaints the switch would compromise pollution-fighting policies.



The state Department of Environmental Conservation wants to change rules that require agency employees to monitor certain hazardous waste sites, such as landfills and incinerators. The agency says allowing a switch to monitors hired by facility operators would save money and allow them to broaden monitoring statewide.

Critics fear that monitors hired by private operators would be too beholden to their employers _ a potential case of "the fox guarding the chicken coop."

"It strains credulity to believe that a monitor paid by the violator would be as objective ... or as vigilant as an employee of the DEC," Stephen Connolly of the Public Employees Federation wrote in a letter to the environmental agency.

Niagara Falls-area Republican state Sen. George Maziarz said DEC monitors are critical to the "psychological comfort" of nearby communities. In a letter to Commissioner Erin Crotty, the senator said private monitors would "fracture any trust" between the DEC and host communities.

Mike Schade of the of Citizens' Environmental Coalition said the proposal not only allows for a switch, but would loosen requirements for any monitors _ either public or private _ at many sites.

There are now about 70 monitors at roughly 300 industrial facilities around the state, according to Schade.

The salaries of DEC monitors are currently billed back to the facility. Still, state officials have said private-sector monitors would save the state administrative and personnel costs. DEC spokesman Michael Fraser said the policy would allow monitoring at new facilities. And he said there would be no drop-off in scrutiny.

"These third parties fall under the same oversight as our own employees," Fraser said. "They're selected by DEC. We have to approve them."

A five-week public comment period on the proposed regulations ends Friday. Opponents complain the period was too short and that the DEC should hold public hearings.

"My constituents and I have many questions and concerns that need to be addressed," Maziarz wrote.

Environmentalists Wednesday launched an eleventh-hour Internet campaign urging Commissioner Crotty to withdraw the proposal. More than 100 people sent form letters from an activist Web site within the first 45 minutes, said Jeff Jones of Environmental Advocates.

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Teri Currie

All dressed up and no contract to sign: Grad students' union holds a Halloween protest.

of noncompensation issues, the contract would already be done.

Instead, the grads have been without a contract since July 2003. They held a Halloween-themed protest on Saturday, complete with a coffin to symbolize the "death

leave, a waiver of the student tech fee, and parity between campuses.

"Every other public sector employee, and every contractor" has just-cause protection, said Sims, which means simply that an employer needs to give a reason for fir-

ment they use to do their work, something no other kind of worker has to pay for.

Finally, there's the issue of parity: Only the four "university centers" have a guaranteed minimum stipend for graduate teachers, meaning that "We have people at

Polluter, Watch Thyself

Struggling with a staffing crunch, DEC quietly proposes to let polluters hire their own monitors

A PROPOSED POLICY CHANGE BY the state Department of Environmental Conservation has state environmental groups and unions crying "fox guarding the henhouse." The proposal would reduce the types of sites that are required to have on-site monitoring from a list of six to only one (though there are other sites still described as being recommended for monitoring), and would allow those monitors to be private contractors hired by the regulated companies themselves.

Wayne Bayer of the Public Employees Federation, which represents 2,000 professional DEC employees, said PEF was very

concerned about the proposal because "private contractors' loyalties will be severely compromised by essentially having two masters: one that's paying them, and whatever obligation they have to report to DEC." Under the current system, on-site monitors are DEC employees, though the companies do have to pick up the tab.

The new proposal will cause serious conflicts of interest, said Tim Sweeney, director of Environmental Advocates' Regulatory Watch Project.

And the decision to monitor at all, even with private contractors, "goes from being a program/staff level decision to a political

decision made by the commissioner," said Mike Keenan, PEF local president.

But they and Kathy Curtis of the Citizens' Environmental Coalition all agree that the worst part is the apparent attempt to avoid public input. The notice was published only in the *Environmental Notice Bulletin*, said Keenan. There were no newspaper ads, no outreach attempts.

"There was no input from the people most affected," said Curtis. "The people who live near these sites." She noted that the proposed policy was posted on DEC's Web site, but without the old one for comparison. "How could anyone make a judgment?" she asked. "If [the policy] is so great, why the big secret?"

PEF, environmental groups, and several state legislators urged DEC's Henry Hamilton to extend the comment period, which was originally scheduled to end last Friday (Oct. 29). They were hoping for 30 to 90 extra days and at least two public hearings. "That would be less than ideal, but at least it

ple from the Governor's Office of Employee Relations, SUNY's central administration, and a few campus representatives. Michelle McDonald of the GOER said the office has a policy of not commenting on ongoing negotiations because it would amount to "negotiating in the press" and would be unfair to the union.

The Legislature must approve any agreement that SUNY and the union come to, and the union has been speaking with key legislators. "When I go over this list, especially when I get to parental leave, Democrats and Republicans alike, their mouths drop open," said Sims. "They say 'Not at our SUNY. No right to return to work? You're kidding me.'"

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would be an adequate minimum," said Curtis.

Hamilton did extend the comment period—for one week, now ending tomorrow (Nov. 5), which Curtis called "the chintziest way to do something without doing anything." Comments can be faxed to 402-9145 or e-mailed to hhamilt@gw.dec.state.ny.us.

DEC did not return calls by press time, but Keenan and others speculated that the driving force behind the change has to do with staffing levels. The agency is seriously understaffed due to the hiring freeze, said Keenan, and even though the on-site monitors don't cost the agency anything because they are paid for by the regulated entities, they are still counted toward the overall total of DEC staff. Keenan suspects that the agency is hoping to be able to shift those monitors to other parts of the agency facing staffing shortages.

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