



FRIENDS OF HUDSON

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FOR IMMEDIATE RELEASE: Thursday, October 6, 2005

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LENGTH: 3 PAGES TOTAL

Friends of Hudson calls upon DEC to deny Tire-Burning Permit for Lafarge's Ravena NY cement plant

- *History of plant's compliance deviations and lack of DEC enforcement raise serious concerns*
- *Draft Permit doesn't conform with applicable regulations or contain adequate controls*
- *Inadequate DEC review due to insufficient or inconsistent data in application*
- *Not enough opportunity for public comment*

Hudson (N.Y.) -- Friends of Hudson Executive Director Susan Falzon today expressed disappointment in the DEC decision not to extend the comment period on Lafarge's application to burn 4.8 million tires a year at its cement plant in Ravena NY. She noted that, in addition to Friends of Hudson, a citizen organization with 4,100 members that successfully opposed the St. Lawrence Cement's ill-conceived proposal to build a new cement plant in Columbia County, many others have weighed in with concerns and requests for a longer and more thorough review. New York State Assemblyman Patrick Manning, the Rennselaer County Legislature and the Towns of Chatham, Kinderhook, Schodack and Stuyvesant along with scores of individuals had all requested that the DEC extend the Comment Period by at least 30 days and conduct hearings on the eastern side of the Hudson River to facilitate the broadest possible participation by residents in Columbia and Rennselaer Counties who live within 3-15 miles downwind of the Ravena stack.

During the Public Comment Period members of the public and elected officials raised substantive issues and cautions about this application. Of particular note were the statements of physicians who commented to DEC on the potential health risks from tire burning. Dr. Ira Marks, a retired board certified pediatrician in Chatham, referring to data in an August 2005 letter from the NYS Department of Health on childhood lead poisoning prevention, expressed grave concerns about increases in levels of lead emissions at the Ravena plant noting that "any increase in an infant's or child's blood level may lead to a significant permanent drop in that child's IQ." Another retired pediatrician, Dr. Matthew Asbornsen of Stuyvesant wrote to the DEC "The application should be denied. Tire burning produces toxic organic chemicals and heavy metals...We are unaware of the causes of a multitude of diseases...There is too much we don't know to permit the introduction of another source of pollution and poison." In his letter Dr. Asbornsen specifically questioned the potential relationship of these toxins to Parkinson's Disease, breast cancer, rheumatoid arthritis and lupus. Dr. Jeff Monkash, an attending physician in Internal Medicine and Gastroenterology at Columbia Memorial Hospital in Hudson wrote, "I believe that burning tires emits pollutants that endanger the health of living things." Dr. Monkash noted, "Numerous

references have documented the emission of significant amounts of heavy metals, volatile organic compounds and dioxins and furans; the latter are known as the most potent of carcinogens resulting from emissions from cement plants and increased to even higher levels by the burning of tires. Many of these compounds are bio-accumulative and therefore concentrate in fatty tissue of humans and animals where, over time and generations, their toxic effects exert themselves resulting in numerous health problems including infertility, learning disabilities, sexual reproductive disorders, birth defects, damage to the immune system and malignancy.” These physicians and others called either for an extension so that more study could be done or an outright denial of the permit.

The DEC chose to dismiss these requests for extension and proceeded to close the comment period on October 3, 2005. Susan Falzon considers this to be extremely troubling. “There is sufficient concern about public health impacts for the DEC to err on the side of caution,” she said. Failure to exercise extreme caution in this case is simply not protective of the public. Many of the concerns of the public could have been addressed by a more complete and stringent review and specific permit conditions. Instead the DEC seems to have chosen to stick its head in the sand and take the claims of the applicant at face value. It is far from reassuring to consider the potential impacts and then to observe the DEC’s apparent fast tracking of this application.”

Friends of Hudson continues to have serious concerns that are not addressed in the Draft Permit. Comments filed on Monday by the group’s attorney Jeff Baker of Young Sommer...LLC addressed a variety of omissions and inconsistencies in Lafarge’s application and the Draft Permit, indicating “the applicant has failed to meet its burden demonstrating compliance with applicable laws and is not entitled to a permit,” and that DEC staff has not “given the application the careful scrutiny that the application deserves.”

During this comment period Friends of Hudson repeatedly requested that the DEC address Lafarge’s inability to meet emissions limits of its current permit, requested meetings with the DEC to discuss this and called upon the DEC to require Lafarge to address the violations and the causes and to create an enforceable plan to ensure that this history of noncompliance will not continue without DEC enforcement action.

It is because the DEC has turned a deaf ear that Friends of Hudson is calling for denial of the tire-burning permit unless adequate controls are put in place where they are now lacking in the Draft Permit. Consistent with its goal to ensure that major industrial activities in this region are conducted in a manner protective of the environment and of public health Friends of Hudson has raised several major areas of inadequacy in the Draft Permit. Among them:

The Draft Permit does not contain adequate emission limits or monitoring requirements on emissions of toxic metals, hazardous organics and other non-criteria pollutants associated with tire burning.

DEC must limit emissions of zinc and carbon monoxide to prevent possible increases in dioxins/furan emissions.

DEC should specifically limit the quantity of tires permitted to be burned.

Initial performance testing should be required sooner than 180 days after first firing of TDF in the kiln.

A review of the Draft Permit performed by engineers at Camp Dresser McKee (CDM) accompanied the group’s comments to the DEC. Friends of Hudson had retained the services of CDM to evaluate the impacts on air quality from burning whole tires in the Ravenna plant’s two kilns. CDM reviewed Lafarge’s Application, Revised Application, accompanying air emissions evaluation and a number of reports prepared for the U.S. EPA on

burning both whole and shredded tires. The CDM findings provided the basis for a number of Friends of Hudson's concerns.

"It is a shame that ordinary citizens are put in a position of having to do the DEC's work for them," stated Mark Teague, Vice-President of Friends of Hudson "The technical expertise required and the costs thus incurred are a burden that should not have to be borne by citizens or citizen groups. The DEC has had ample opportunity to conduct a careful review that would have uncovered the same errors and omissions that our experts and our members found and raised to DEC." Falzon concurs. "The willful disregard of serious problems with this application will force citizens into an adversarial circumstance that could drag on for years at significant costs to the state and concerned members of the public. This time and expense could easily be avoided if the DEC would require more information from Lafarge and change the permit in accordance with legitimate issues raised by opponents. In our comments we have had to demand that an Issues Conference be convened and an adjudicatory process begun if DEC is unwilling to require missing information, clarification of inconsistencies and modification of the Draft Permit. The DEC should be demanding that Lafarge prove that its application meets all requirements to be permitted. Friends of Hudson should not have to force this into a trial process to ensure that the public is adequately protected."

For a copy of Friends of Hudson's comments, CDM's report or for more information contact Susan Falzon, (518) 822-0334.