

***Center for Health, Environment & Justice ■ Nuclear Information & Resource Service
Citizens' Environmental Coalition ■ Coalition on West Valley Nuclear Wastes
Cheektowaga Citizens Coalition ■ Citizens Awareness Network
Citizens For A Clean Environment, Inc.
Community Health and Environment Coalition
Concerned Citizens of Cattaraugus County ■ Empire State Consumers Association
F.A.C.T.S. (For A Clean Tonawanda Site), Inc.
Finger Lakes Citizens for the Environment
Great Lakes United ■ Hopewell Junction Citizens for Clean Water
Injured Workers of New York, Inc. ■ Kandid Coalition
Lakeshore Environmental Action ■ Learning Disabilities Association of WNY
Learning Disabilities Association of New York State
Learning Sustainability Campaign ■ New York Public Interest Research Group
Department of Church and Society of Presbytery of Western New York
Eco-Justice Task Force of Presbytery of Western New York
Residents for Responsible Government, Inc.
R.O.L.E. (Residents Organized for Lewiston-Porter's Environment)
Social Action Committee of Temple Sinai ■ Toxic Waste / Lupus Coalition
Utica/Central New York Citizens in Action
Western New York Council on Occupational Safety and Health
West Side Community Asthma Project ■ WNY Peace Center
Zoar Valley Nature Society***

Senator Charles Schumer
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Senator Hillary Clinton
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Congressman Brian Higgins
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Congressman Thomas M. Reynolds
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Congresswoman Louise Slaughter
2469 Rayburn HOB
Washington, DC 20515-3228

April 28, 2005

Dear Honorable Senators and Representatives:

Our local, state and national organizations continue to strongly oppose the proposed bill by the New York State Energy Research & Development Authority (NYSERDA) regarding the West Valley nuclear waste site. We respectfully request your consideration of our legislative critique, as well as alternative options.

Local, state and federal agencies and government officials, impacted communities and concerned community, religious and environmental organizations all seek a solution to the West Valley contamination problem. Options that could provide a much better process to achieve essential remediation at the site include the following.

- Legal action to ensure full implementation of the 1980 West Valley Demonstration Project Act, 1987 Stipulation Agreement and all federal and state environmental laws, including RCRA. We are conducting legal research with experts on various issues and will provide an update on the viability of this option in the future.
- Address a long-neglected aspect of the remedial process by conducting an exhumation study of West Valley and a full-cost accounting evaluation of exhumation versus monitoring/remedial maintenance of eroding buried waste. We have enclosed a memorandum on this recommendation. Our organizations are extremely concerned that the agencies are moving towards making final site closure decisions to leave the buried waste at the site, yet they are not seriously pursuing consideration of exhumation of all the long-lasting nuclear waste buried throughout the leaking site or done a full-cost accounting in their Draft Environmental Impact Statement which has been on hold since 1996.

Highly radioactive waste at the site will be extremely hazardous for *over ten thousand* years, but the waste is buried in glacial till which can erode into the Great Lakes Basin Area in *hundreds* of years. Freeze-thaw cycles promote cracking and erosion at the burial site. Which remedial option would best prevent harm and protect drinking water supplies in this critically important Great Lakes watershed—buried waste sites or precautionary exhumation of the wastes? Neither the impacted communities nor government can answer this question without an investigation and cost comparison analysis. Full-cost accounting will provide a meaningful comparison of remedial options at the site—allowing the impacted communities, local, state and federal government and interested organizations to make an informed decision. We would welcome your comments on the alternatives outlined above and consideration of support.

We urge you to oppose the NYSERDA legislative proposal. We hope we can work together on the alternatives outlined above to seek adequate federal funding for complete remediation of the West Valley nuclear waste site. Thank you for your attention on this important issue. We look forward to hearing your opinions on these issues.

Sincerely,

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Attorney General Eliot Spitzer
Senate Majority Leader Joseph Bruno
Assembly Speaker Sheldon Silver
Assembly Majority Leader Paul Tokasz
Senate Energy Committee Chair James Wright
Assembly Energy Committee Chair Paul Tonko
Senate Environmental Conservation Committee Chair Carl Marcellino
Assembly Environmental Conservation Committee Chair Thomas DiNapoli
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David Koon
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NYSERDA
West Valley Citizens Task Force

