

# STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY  
CLERK'S OFFICE

BUFFALO, N.Y., MAY 28, 2009

TO WHOM IT MAY CONCERN:

**I HEREBY CERTIFY**, That at the 10th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Twenty-Eighth day of May, 2009 A.D., a Resolution was adopted, of which the following is a true copy:

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS IANNELLO, MARINELLI, WHYTE,  
MILLER-WILLIAMS, GRANT, REYNOLDS, MILLS, KOZUB, KENNEDY,  
KONST, MAZUR, WROBLEWSKI & LOUGHRAN**

WHEREAS, located thirty miles south of Buffalo, New York, the West Valley nuclear site is contaminated with vast amounts of toxic and radioactive waste, including plutonium, uranium, strontium-90 and iodine-129; and

WHEREAS, these chemicals are known to cause leukemia and cancer, even at very low doses over a long period of time; and

WHEREAS, this site was abandoned in 1976 by Nuclear Fuel Services, thereby passing cleanup responsibilities on to the government and taxpayers; and

WHEREAS, the site is located on a sole source aquifer and has been known to create radioactive groundwater which has been identified as far away as the shore of the Niagara River and Lake Ontario; and

WHEREAS, this raises the issue of potentially dangerous leakage into the drinking water supplies for millions of people; and

WHEREAS, the United States Department of Energy (DOE) and the New York State Energy Research and Development Corporation (NYSERDA) originally proposed leaving the buried waste onsite, including high level radioactive waste tanks which could leak contamination at the end of their useful lives; and

WHEREAS, a recent cost study focused on the costs of digging up radioactive waste versus leaving waste buried onsite for the next 10,000 years and found that a full waste excavation cleanup costs less at \$9.9 billion, and presents the least risk to the population than leaving buried waste onsite, which is \$13 billion and carries high risks of catastrophic release of radioactive waste into the drinking water supplies; and

WHEREAS, scientists have determined that erosion is a powerful and fast moving force in the West Valley region, adding to the risk factor that if leakage occurs, dangerous radioactive waste could pollute local, regional and international waterways into Lake Erie, the Niagara River and beyond; and

WHEREAS, it is feared that if as little as 1% of radioactivity leaked from the site, Lake Erie water users could be exposed to substantial radiation, cancer deaths, and the cost of water replacement could be in the millions to just Erie County and Buffalo; and

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WHEREAS, scientists and economists both conclude that if the radioactive wastes are left in the ground at West Valley, and should any release occur, it would have expensive and disastrous consequences irreparably contaminating the water supply of the Great Lakes region, and the costs of maintaining buried waste is far more costly than removal; and

WHEREAS, in 1997 a Citizen Task Force (CTF) was formed to assist in the development of a preferred alternative for the West Valley Demonstration Project and cleanup, closure or long-term management of the facilities at the site; and

WHEREAS, the Citizens Task Force has been meeting regularly with the DOE and NYSERDA and have arrived at a preferred alternative that DOE and NYSERDA are planning to accomplish cleanup work at the site that the CTF deems essential, including the removal of the source area of the North Plateau Groundwater Plume and a significant number of the contaminated facilities.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie supports full cleanup of the entire West Valley nuclear waste site through waste excavation; and be it further

RESOLVED, that the cleanup process standards be as protective as current state radiation standards and unrestricted use toxic standards, and are fully protective of vulnerable populations, including children, fish, wildlife and water; and be it further

RESOLVED, that the County of Erie supports the work of the proposed Preferred Alternative Phase 1 work plan and that it be completed without further delay and in a manner that enhances future decisions for total cleanup of the West Valley site; and be it further

RESOLVED, that while Phase 1 removal takes place, ongoing discussions continue with the general public, the CTF, the DOE and NYSERDA, keeping in mind, the eventual goal of a full cleanup of the site; and be it further

RESOLVED, that certified copies of this resolution be forwarded to our State and Federal Representatives, the US Department of Energy and the NYS Energy Research and Development Authority.

REFERENCE:      **INTRO 10-3 (2009)**      **AS AMENDED**