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## **Environmental activists take aim at brownfield cleanup regulations**

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ALBANY — Thirty years after calling attention to the Love Canal environmental disaster, Lois Gibbs now has a new message for the state: Its regulations governing the cleanup of aging industrial sites are inadequate and a danger to the public.

Gibbs and other environmental activists brought their concerns to top Paterson administration officials Monday at the Capitol in hopes of getting the state to strengthen rules for just how clean developers must make the soil at sites known as brownfields when they are being prepared for new use.

“They are unsafe,” Gibbs said of the soil cleanup standards at brownfield sites, which can include anything from a former factory to a gasoline station or dry cleaner.

The environmental groups say New York’s soil cleanup rules are far less strict for brownfields and Superfund sites — especially for elements such as lead and arsenic — than called for by the federal Environmental Protection Agency.

Critics say the state in December 2006 inappropriately weakened the standards for how clean soil must be made in a brownfield site being redeveloped for a new use. The environmentalists say the situation is particularly acute in Erie and Niagara counties, which are home to hundreds of major brownfields.

The state this year amended the system by which tax credits are awarded to developers of brownfields. A loophole of a program previously in place awarded hundreds of millions of taxpayer dollars to commercial and residential developers, particularly in Manhattan and

Westchester County, who received the incentives for projects they were going to do anyway, with or without the state assistance.

Now, the environmental advocates say, the state's Department of Environmental Conservation should use the new changes involving the tax incentives to also make changes to strengthen the soil cleanup standards. The 2003 soil standards are the subject of a pending lawsuit by environmental groups. With lead, for example, the groups said New York permits 3,900 parts per million of lead to remain in the soil of a brownfield being turned into a new use; the EPA, the groups said, permits 800 parts per million.

Gibbs, who was in Western New York last week blasting the state Health Department on the 30th anniversary of Love Canal, suggested New York should be embarrassed that the EPA, an agency she has criticized as weak in the past, has stronger cleanup standards when it comes to brownfields.

"The public should care because there are brownfields in every city, every town and even in rural areas across New York. People should care because they might be right next to one," said Gibbs, who is director of the Center for Health, Environment and Justice.

State DEC Commissioner Pete Grannis, in a meeting with the groups, said he would look into their concerns, "emphasizing his own strong commitment to environmentally sound cleanups that are also fully protective of public health," said agency spokeswoman Lori O'Connell.

But DEC officials also told the groups during the meeting that some of their information was wrong, noting that what the environmentalists called EPA "standards" are actually "screening numbers" used to determine whether a site's contamination levels need further investigation.

"DEC is prepared to work with them to achieve the common goal of continuing to ensure public safety as the brownfield program is implemented," said O'Connell.

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