

Wheelabrator Hudson Falls is the current name of the trash incinerator located on River St. in Hudson Falls. It is permitted to burn about 500 tons of waste per day. It burns waste continuously, day and night. It uses natural gas as needed for supplemental fuel as well as tires at times for extra BTUs. Burning tires is more polluting than burning coal.

This year (2021) will mark the Hudson Falls' incinerator's 30th year in operation. Thirty years is the average "life span" of trash incinerators. CAAN believes that it is a good time to finally shut it down. An active group of concerned area residents will be the key to victory. All over the U.S. and around the world, concerned citizens have shut down trash incinerators and we can achieve the same locally.

Wheelabrator Hudson Falls is one of the worst air polluters in the region. Not only does it burn trash (and recyclables and compostable food waste), it also burns tires, sewage sludge high in heavy metals, industrial waste (type unknown), and pharmaceuticals. This particular incinerator releases more mercury into the air per ton of waste burned than all but two of the 72 other trash incinerators in the entire US, and more lead per ton of waste burned than all the other trash incinerators in the whole country! That's not a distinction we should be proud of.

Dioxins are another combustion product of incineration. Dioxins, such as TCDD, which incineration produces under certain conditions, are some of the most toxic substances known to science. They are endocrine (hormone) disrupters and are associated with various cancers (including non-Hodgkins lymphoma, prostate and lung cancers) and higher cancer mortality. The region already bears a disproportionate pollution burden from the environmental carcinogen dioxin present in PCBs, which General Electric discharged into the Hudson River, dumped, and gave away in fill and in contaminated oil. (PCBs are contaminated with dangerous dioxins and their chemical relative furans.)

People and other animals are exposed to dioxins when they breathe in fine particulate matter released by the incinerator. Dioxins (and heavy metals) bind to these particles and penetrate into our lungs and blood system. This particulate matter (PM) may be so small that it can get through the blood-brain barrier. The other main exposure route for dioxins is eating. It is worth noting that dioxins concentrate up the food chain. Dairy cows and beef cattle ingest dioxin that falls on corn and grass and other crops. It concentrates in their bodies and will be excreted in their milk and present in their meat and organs. To our knowledge, there have been no attempts to monitor cattle or other animals for dioxin levels in the area around Wheelabrator Hudson Falls. Citizen scientists have used the chicken eggs laid by hens kept outdoors at different distances from an incinerator to monitor for dioxins.

Incineration is also the least efficient to generate electricity, according to data from the US Dept. of Energy. Trash incineration is also as polluting as coal fired power plants, according to the NYS Dept. of Environmental Conservation.

Some people assume that incineration is an alternative to landfills, but that is incorrect. Incinerators produce enormous quantities of highly toxic ash, which needs to be landfilled. That ash equals one-quarter of the weight of the waste burned by a trash incinerator. Currently,

Wheelabrator sends its toxic incinerator ash from its Hudson Falls facility to a Shrewsbury, Massachusetts, landfill.

This incinerator, like many others around the world, was built in the face of massive opposition from area residents. In this case, fierce and persistent opposition occurred in the late 1980s and early 1990s, but citizen sentiment was simply ignored.

Despite well-founded warnings from concerned citizens' groups that it was a bad deal for taxpayers and ratepayers, that it would be a terrible polluter, and that it was oversized and required far more garbage than the two counties produced, the plan to build the incinerator was pushed through the two counties' Boards of Supervisors more than 30 years ago. All three fears were prescient and came to pass.

By 1992, the Hudson Falls incinerator had the distinction of being the most litigated of any in the entire country.

For their valiant efforts to prevent this outrageous incinerator project from being approved, concerned residents were attacked by local government. In 1989, the two-county IDA and Warren County sued the 328 residents of Washington and Warren Counties for malicious interference with the incinerator project's bond ratings. This type of lawsuit is called a SLAPP suit. SLAPP stands for Strategic Lawsuit Against Public Participation. The citizens affixed bumper stickers on their vehicles that read "Plaintiff." The plaintiffs would later countersue and win legal fees and a small sum for damages. A major civil rights firm represented them in this case on the grounds that in the US free speech is a constitutional right. There are now laws restricting SLAPP suits as well as many court cases against them.

One of the biggest proponents of the incinerator in local government was Bill Nikas, who served as Kingsbury supervisor and chair of the Washington County Board for several years in the 1980s. Nikas later worked with the incinerator developer Bob Barber. In 1992 Nikas and Barber were indicted under felony conspiracy and bribery charges related to the Hudson Falls incinerator. A high profile trial was held. Both men were acquitted. (Barber was later convicted of unrelated criminal charges.) Bill Nikas currently serves as Hudson Falls village attorney.

The incinerator was built under a contract with Warren and Washington Counties and the two-county Industrial Development Agency. The IDA financed the construction of the \$86 million incinerator with bonds, and then the counties and their taxpayers were forced to pay back this debt.

While developers have built some trash incinerators without government involvement, most incinerator projects have relied on taxpayer subsidies. One way they managed to get subsidies was through "put or pay" contracts, which put the burden of delivering enough waste to an incinerator on local government. Washington and Warren Counties had to pay penalties if there was a shortfall in waste to burn. In its first couple years of the incinerator's operation, Washington County was hemorrhaging \$200,000 a month due to its contract.

Also the trash of residents and businesses in those Counties was assessed at a much higher tipping fee at the incinerator than the trash coming from outside of the Counties. The two counties were bound by long-term contracts to pay above-market disposal fees (the tipping fee was set at \$69 a ton a while back) at the incinerator for the trash they generate. Meanwhile when the incinerator required more waste to burn from outside the two counties, which was a frequent occurrence, waste corporations were able to get cut-rate deals, with tipping fees even dipping below \$20 a ton.

The two counties' contract also guaranteed that the corporation operating the incinerator would make a profit. In effect, it was a kind of cost-plus contract. This sweet deal for the incinerator company (which changed several times over the course of the 20-year contract) proved terrible for the two Counties and explains why recycling and other progressive approaches to solid waste management have historically been starved of resources.

After the Washington and Warren County IDA had owned the incinerator for its first 20-plus years, it was sold to Wheelabrator for a pittance of \$13 million. A few years later Wheelabrator sued the Hudson Falls school district, the Village of Hudson Falls, and the Town of Kingsbury to get its property assessment significantly reduced. When the case was settled, Wheelabrator did get a significant reduction in its assessment -- from \$30 million down to less than \$13 million, with a schedule of incremental increases each year. This win for Wheelabrator resulted in hundreds of thousands of dollars less in revenues for the school system, county, town, and village.

Once the two Counties sold the incinerator to Wheelabrator, their obligation to deliver waste to the incinerator ended. There are other disposal options – such as several landfills – in the region. CAAN's Zero Waste Committee has been studying and recommending proven options for reducing the quantity of waste from residents and businesses that needs to be disposed of. (Zero Waste is summed up nicely by the phrase reduce, repair, reuse, recycle, compost food and yard waste. There is also an important role for oversight, planning, and education by local government.)