

OHIO INDIAN TIME

A VOICE FROM THE EASTERN DOOR

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AKWESASNE TRIBAL COUNCIL
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Akwasasne Arrows! Ottawa Tournament Champions



Back L-R: Brian Thomas, Assistant Coach and Dennis Chaussi, Head Coach and G.M.
Middle Row: Robbie Thomas, Larry King, Randy Connors, Stevie Thomas, Chris Thomas, LeB Thomas, John Ouzas, Kyle Jacobs and Toby Sunday
Front: Mark Thomas, Darren Cook, Mikey Benedict, Tom Thomas, Tyler Sunday and Rod Mackenzie
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Mohawk Tribe: U.S.E.P.A. Sold Out Environment

Is it possible to put a dollar value on human health and a clean, safe environment? Apparently the U.S. Environmental Protection Agency thinks so.

EPA's recently announced Unilateral Administrative Order and Operable Unit II Record of Decision for the General Motors Corp. plant site on the western boundary of the reservation is a sellout of the Mohawk people, their lands and generations of Mohawks to come, according to the Saint Regis Mohawk Tribal Council.

"It appears the Environmental Protection Agency is more concerned with the financial matters of the General Motors Corp. than the cleanup of a massive pollution problem which is destroying our Mohawk way of life," Tribal Council Chiefs Lincoln C. White, Norman J. Tarbell and L. David Jacobs said in a joint statement.

"The Tribe has worked cooperatively with EPA on many projects and the Mohawk people felt they could trust the federal agency. But that trust has been betrayed by the EPA, and many future generations of Mohawks will suffer for it. We are dismayed and gravely disappointed that EPA would succumb to political pressure from General Motors," the Tribal Council added.

For more than 10 months in 1991, the Tribe and New York State faithfully participated in consent decree negotiations with GM and EPA about this cleanup. The consent decree was a follow up to the December 1990 Record of Decision which EPA issued on the Operable Unit I at the GM site. The ROD put forth a treatment level of 10 parts per million (ppm) of PCBs for the GM plant site.

In the fall of last year, a GM lawyer told the Tribe's attorney that the giant automobile manufacture could not accept a 10 ppm treatment level and that GM would go to the "highest levels" of the EPA and the Bush Administration to have the level changed. Coincidentally, a few weeks later,

the EPA was promoting a cleanup plan that called for a treatment level of 500 ppm - a level which General Motors found acceptable.

However, the Saint Regis Mohawk Tribe and New York State did not agree with the lax treatment levels and refused to sign the consent decree. Thus, the Unilateral Administrative Order was issued without any involvement from the Tribe or State.

EPA's flip-flop means the car maker will now be allowed to implement a cleanup plan which is 50 times less stringent than the original ROD. The Administrative Order also means the Tribe and New York State will no longer be parties to the cleanup.

General Motors gets to eat its cake and have it too. The multinational corporation will get a lax, much less expensive cleanup plan and will be rid of any official input from New York and the Mohawk people.

Ken Jock, director of the Tribe's Environment Division said EPA's actions are very troubling. "This is not a permanent remedy. It goes against EPA policy and historical practices. GM pressured EPA for concessions and got them. Economics is the main factor here," Mr. Jock said.

According to Mr. Jock, EPA estimates show GM will save nearly \$350 million as a result of the lax treatment levels. Original estimates from Operable Unit I were approximately \$130 million. The less stringent level of 500 ppm will bring the cost down to less than \$30 million. On the second Operable Unit, the estimated cost under the new ROD is \$28 million to \$42 million, while original estimates for excavation and treatment were \$288 million.

In February, The New York Times published an article indicating a top EPA official was calling for "lower standards and fewer safeguards" on the cleanup of Superfund sites. The article

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Agreement Reached on First Nations Policing in Ontario

The Indian Commission of Ontario announced a major new agreement between Indian leaders and the federal and provincial governments. The agreement commits both governments to a dramatic increase in funding for Indian policing on reserves in Ontario. It also commits both governments to negotiate regional agreements over the next four years with Indian leaders to implement a change from O.P.P. controlled policing on Indian reserves in Ontario to policing by First Nations constables under the control of local First Nations police authorities.

The agreement represents the culmination of several years of negotiations during which First Nations leaders and the governments had sought an

agreement to effect significant changes to policing arrangements on Ontario reserves. The new agreement budgets in excess of \$90 million dollars for First Nations policing arrangements in Ontario from now until March 1996. This will permit the number of First Nation constables patrolling reserves in Ontario to almost double over the next year, from the current total complement of 122 officers to a total of 222 constables, with an agreement to negotiate for additional officers thereafter. O.P.P. and First Nations studies had called for such an increase to permit the level of policing services on reserves to match the level of policing

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EPA Selects Final Remedy in Multi-Phase Cleanup of GM Superfund Site in Massena, N.Y.

Orders Company to Start First Phase

The U.S. Environmental Protection Agency (EPA) has selected a final remedy that will use a mixed treatment/containment remedy in the East Disposal Area and containment of the Industrial Landfill on the General Motors (GM) Central Foundry Superfund Site near Massena, New York. This is the second, and final, decision EPA has made on remedies for this site. The estimated cost to carry out the remedy announced is between \$31 and \$45 million, depending on which treatment technologies EPA approves for use at the site.

EPA also issued a Superfund Unilateral Administrative Order (UAO) that requires GM to start the first-phase remedy work at the site. The first remedy selection, in 1990, addressed contamination in the St. Lawrence River and other waterways on the neighboring St. Regis Mohawk Reservation, and elsewhere on the plant site. Superfund is the federal program to address the nation's worst hazardous waste sites.

EPA Regional Administrator Constantine Sidamon-Eristoff said, "This site is one of our most significant Superfund cleanups. It affects not only a major international waterway but also the adjoining Reservation of the St. Regis Mohawks. Our ultimate goal is to restore this site to a condition that is safe for people, wildlife and the environment as a whole.

"With the selection of the remedy for these remaining areas of contamination, the comprehensive plan for the cleanup of the entire site is now in place. We are using our Superfund enforcement authority to ensure the actual

cleanup moves forward," Mr. Sidamon-Eristoff noted.

The major components of the second phase remedy announced include:

- * Excavation of soil containing polychlorinated biphenyls (PCBs) at concentrations at or above 500 parts per million, all sludge, and all visibly oily soil from the East Disposal Area at the site;

- * Consolidation and in-place containment of less contaminated soils (containing PCBs at concentrations above 10 ppm and below 500 ppm) and control of ground water migration in the East Disposal Area through the use of a composite cap and a slurry wall. (The slurry wall is contingent on the results of additional ground water testing to be conducted during design.);

- * Re-contouring, regarding, and containment of contaminated material in the Industrial Landfill through the use of a composite cap and the control of ground water migration from the Industrial Landfill through the use of a slurry wall.

- * Treatment of excavated material from the East Disposal Area by either biological treatment (or another innovative treatment technology which has been demonstrated to achieve site treatment goals) or thermal destruction to be determined by EPA based on the results of treat-ability testing during the first phase of the overall remedy. Treatment residuals will be disposed of on-site. (During the first phase remedy work, other innovative PCB treatment technologies will be tested

concurrently with biological treatment so that EPA will have additional information in the event that biological treatment proves to be unsatisfactory for treatment of any site material.) EPA will select the treatment technologies to be employed in consultation with NYSDEC and the St. Regis Mohawk Tribe.

Because this remedy will result in hazardous substances remaining on-site above health-based levels in the Industrial Landfill and East Disposal Area, a review will be conducted with at least five years after commencement of remedial action and every five years thereafter to ensure that the remedy continues to provide adequate protection of human health and the environment.

In December 1990, EPA selected a remedy that addresses the majority of the contaminated areas at the site and targeted as a priority the removal of contaminants that most directly threaten the Reservation of the St. Regis Mohawk Nation and the St. Lawrence River. At that time, the Agency deferred a decision on cleanup plans for the Industrial Landfill and the East Disposal Area.

Concerning the first phase remedy selected in 1990, the areas of contamination at the site addressed in the Superfund Order include:

- * Contaminated sediments and soils in the St. Lawrence and Racquette Rivers, Turtle Creek, and associated riverbanks and wetlands (the St. Lawrence River System);
- * Runoff from the East Disposal Area;

- * Contaminated sludges, soil, and

debris in the North Disposal Area, in and around four Industrial Lagoons, and in other areas on GM property;

- * Contaminated soil on the St. Regis Mohawk Reservation; and,
- * Contaminated ground water associated with the site.

The Order directs GM to carry out the work described in the 1990 remedy. However, this week, EPA will publish a notice called an Explanation of Significant Differences (ESD) in three (3) local newspapers. The ESD announces the Agency's willingness to modify the first phase remedy by ascertaining whether a different treatment threshold is warranted based on data gathered during design and implementation of the remedy. EPA believes that treatment of the contaminated materials which present the greatest risk will result in a significant (on the order of 90%) reduction of PCB contaminated material remaining on-site. EPA is not at this time actually changing the treatment requirement for that remedy.

Site Background
The General Motors Company-Central Foundry Division Superfund site includes an active manufacturing plant, located in Massena, New York on the St. Lawrence River and bordered on the east by the St. Regis Mohawk Indian Reservation. As a result of GM's past operations, hazardous substances, including PCBs, are present in several areas on the G.M. property, including four

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