

# Tonawanda Coke fines should pay for projects to restore neighborhood

Buffalo News Story, on May 29, 2013 - 8:37 AM

It's truly heartening to watch what is now playing out in an area that for years suffered because a company was focused on its bottom line rather than on protecting nearby residents.

Those residents live in the shadow of Tonawanda Coke, which in late March was found guilty of violating the Clean Air Act and Resource Conservation and Recovery Act over 11 years. The violations included the excessive discharge of coke oven gas that contains cancer-causing benzene.

Tonawanda Coke had been only the second company to be indicted under Title V of the Clean Air Act since the 1970 law was amended in 1990. Tough and appropriate justice was delivered and penalties will be exacted. And that's where the community comes in.

The company faces up to \$200 million in fines. And while U.S. District Chief Judge William M. Skretny, the Environmental Protection Agency and the Department of Justice will decide where the fine money goes, the residents whose lives have been disrupted by Tonawanda Coke should have some say.

So, it is encouraging to hear those residents bandying about ideas for the fine money. That would be for the greater good, a concept that's been missing there over the years.

The Clean Air Coalition of Western New York organized the participatory budgeting exercise. It is a community-based process developed in Brazil in 1989 and now used in some municipal districts, including parts of New York City and Chicago.

It's a process obviously appreciated by residents from the Tonawandas, Grand Island and Riverside, who are also being asked by local, state and federal officials to **share their stories** before two important deadlines.

Those who believe they suffered specific economic loss due to the company's illegal discharge of coke oven gas and other pollutants have until June 14 to file claims for restitution. Those wishing to comment on possible sentences for the company have until July 1 to do so.

But beyond those deadlines, residents should have a hand in determining how some of the money from the fine gets spent.

The guidelines require that projects reduce adverse health effects of air pollution or land contamination without duplicating projects mandated or funded by the federal government, or required to be done by Tonawanda Coke.

Sprung from the first two-hour community session were some ideas that, on their face, make a lot of sense. Examples include testing of open and closed landfills, building new parks, establishing an environmental health center and even creating a pollution museum. Other ideas included educational forums on the dangers of pesticides, conducting independent air quality testing and perhaps converting River Road into a parkway.

The residents wisely put ideas such as increasing mass transit under a category of projects that the government should undertake, rather than using the fine money.

Many more ideas will come and go before residents settle on the most important projects, but through this process the community is finally being served.