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Whistleblowers group says approval of Peace Bridge project was illegal

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WASHINGTON – A government whistle-blowers group Wednesday challenged a federal agency’s rubber-stamp approval of plans to modernize the customs house at the Peace Bridge, saying a more thorough environmental review should have taken place.

The group, Public Employees for Environmental Responsibility, filed a complaint with the U.S. General Services Administration, the agency that approved the Peace Bridge project. Under the federal Data Quality Act, groups or individuals can challenge such government decisions – and force them to be reversed if it turns out they were based on bad information.

That’s just what happened when the GSA in late 2012 gave the go-ahead for the Peace Bridge project after the lowest-level environmental review possible, said Jeff Ruch, executive director of the whistleblower group.

“The Peace Bridge is a classic case of political pressure leading an agency to fictionalize an official record – and that is against the law,” Ruch said.

In its complaint to the GSA, the government property manager that leases the customs house from the Peace Bridge Authority, PEER noted that under federal law, that low level of environmental review is acceptable under certain narrow conditions.

For one thing, the project must not “substantially increase the number of motor vehicles at the facility,” the GSA says in its own guidelines on the National Environmental Policy Act, the law that guides federal approvals for such projects.

Yet the Peace Bridge expansion project, which includes new ramps and a bigger plaza as well as the expanded customs house, obviously is geared to boosting traffic at the bridge, the group charged.

Ron Rienas, general manager of the Peace Bridge Authority, disagreed, saying the new customs house was just designed to operate more efficiently.

But PEER also charged that the GSA violated its own environmental law mandate that a cursory review is acceptable only if there is “no evidence of community controversy or other environmental issues.” Obviously, the group said in its complaint, the Peace Bridge expansion is a controversial project – and the GSA ignored the environmental issues there, including a childhood asthma rate that past studies have shown to be four times the national average.

Rienas countered by saying there is nothing controversial or environmentally threatening about the expansion of the customs house, which was the only part of the Peace Bridge project that GSA reviewed.

PEER argues, though, that the law requires the GSA to consider “cumulative impacts” of any projects associated with the customs house, which obviously would include the more controversial plaza expansion.

The whistleblower group also charged that political pressure from those who support the Peace Bridge expansion – including Gov. Andrew M. Cuomo, Sen. Charles E. Schumer, D-N.Y., and Rep. Brian Higgins, D-Buffalo – played a role in the quick environmental approval.

In response, Sam Hoyt, the chairman of the Peace Bridge Authority and Cuomo’s top economic official in Western New York, said: “We’re absolutely confident that we followed every environmental law going through this process.”

The GSA also defended its work, saying in a statement: “To date, we have fulfilled all of our

environmental requirements and are in full compliance.”

Under the Data Quality Act, PEER asked GSA to review and reverse its decision, which would force the agency to conduct a more thorough environmental review, which could delay the project.

Ruch said that his group decided to take up the cause of the Peace Bridge after receiving complaints from federal employees who wished to remain anonymous. Lacking the standing to sue, the group decided to ask GSA to reexamine its decision.

PEER’s complaint relies heavily on January Buffalo News stories that not only questioned whether the GSA’s environmental review was proper, but also detailed a quickly abandoned federal environmental justice effort that suggested moving truck traffic off the Peace Bridge to correct the asthma problems nearby.

“This will force the GSA to go on the record to say why they ignored all this information” about environmental concerns at the bridge, Ruch said.

PEER’s sudden involvement in the issue came as a surprise and a thrill to Kathleen Mecca, the longtime Peace Bridge neighborhood activists who has been fighting the Peace Bridge expansion.

“I’m floored,” Mecca said. “Finally, vindication from a nationally recognized environmental organization of profound integrity that concluded that only one reason accounted for silencing the devastating health conditions we have been forced to endure for decades: a political agenda to prevent a full and comprehensive environmental review ... which would have stopped the PBA, state and federal government agencies from moving forward on multiple projects.”

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