Mohawk Admits Wrong in Toxic Landfill Protest

MICHAEL VIRTANEN, Associated Press

ALBANY, N.Y. (AP) — A Mohawk who dug up part of a toxic landfill near his reservation home in northern New York to protest federal plans to leave the landfill there permanently pleaded guilty Tuesday to criminal mischief.

Larry Thompson, 58, was released on his own recognizance after admitting to the reduced charge. Sentencing is scheduled March 25 before St. Lawrence County Court Judge Jerome Richards.

Thompson was arrested Aug. 11, 2001, after driving a backhoe from adjacent family property through a fence onto the former General Motors Co. Massena plant. He said afterward that he was frustrated by the government decision to cap the landfill instead of removing the chemicals. He blamed the toxins for cancers and other illnesses among his family and other Akwesasne residents.

"I think everyone understands that the purpose was to draw attention to the circumstances at the GM site," defense attorney Chris Amato said after court Tuesday. "Mr. Thompson firmly believes the toxic wastes in that landfill should be excavated and taken to a hazardous waste disposal facility."

Thompson could be sentenced to up to a year in jail, but Assistant St. Lawrence County District Attorney James Monroe said prosecutors are recommending no jail time on the condition that Thompson abide by a court order to stay away from the landfill for five years. RACER Trust, which owns the site and originally wanted $70,000 for minor landfill repairs, waived its claim for restitution to get the stay-away order, Monroe said.

Thompson agreed Tuesday to the conditional sentence, Amato said. And the judge also agreed to allow him 20 minutes at sentencing to speak.

The shuttered General Motors factory, added to the federal Superfund priorities list in 1984, includes the 12-acre landfill that has been capped with a layer of clay and grass. It sits next to the St. Lawrence River to the north and Thompson family property to the east.

PCBs, or polychlorinated biphenyls — considered probable carcinogens — are the main contaminant, dumped as sludge after use as electrical equipment coolants. Studies 20 years ago documented higher than normal PCB levels in the breast milk of Akwesasne nursing mothers and more recently in adolescents; the toxins persist in human tissue for years. High levels have been found in St. Lawrence River turtles and fish, which the state cautions against eating.

The federal government says it has eliminated the "immediate exposure pathways" of contaminants leaking into the river and groundwater. After river dredging,

groundwater containment and tons of waste removal, the cleanup agreement calls for leaving the landfill as it is. Monitoring and other cleanup work continue, including removal of the old factory and slab.

The St. Regis Mohawk tribal council maintains it never consented to a permanent landfill, even in its agreement 20 years ago to a cleanup plan with U.S. Environmental Protection Agency, the car manufacturer, and the state of New York.

Among 89 polluted ex-GM industrial locations around the country, Massena site was designated for the largest single share, about $121 million, of the $773 million cleanup budget established in bankruptcy court last year. The new, post-bankruptcy General Motors is no longer legally liable, but Thompson says the company, which posted 2011 net income of $7.6 billion, should pay for a full cleanup and remove the landfill.

The RACER Trust was created in March 2011 by the U.S. Bankruptcy Court to clean up and prepare for redevelopment the properties owned by the automaker GM before its 2009 bankruptcy. The trust says 220 acres are still undergoing cleanup to prepare the site for manufacturing, industrial or commercial uses.

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