

## NEW YORK STATE LEGISLATURE

June 13, 2013

The Honorable Andrew M. Cuomo  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

Dear Governor Cuomo:

We are writing to express our most sincere disappointment with the New York State Department of Environmental Conservation's Final Statement of Basis regarding the FMC Corporation site in the Village of Middleport, in Niagara County. As we have stated in a previous letter to you dated August 24, 2012, it is unfortunate that we must reiterate that this is yet another example of the glaring disconnect between Albany and the people of our State.

A recent release by DEC stated that, "After *carefully considering* comments from nearly 70 people and organizations the DEC selected a remedy to clean up contamination...." While we can understand and appreciate the analysis of varying opinions as how to rectify the contaminated soil and remediation proposals, after personally reviewing the public comments that were submitted, it is almost incomprehensible to think that DEC did not have a predetermined position and outcome on the standards of remediation for this area. The Middleport community has overwhelmingly spoken out against the criteria outlined in the FSB and we are forced to question the validity of the Department's "consideration."

We are sure that DEC believes it has addressed the concerns of the community; however, many residents feel—and following the FSB, we feel—that DEC continues to disregard our concerns and require unattainable remediation standards that go beyond the "practical" concern for public health.

Furthermore, it is apparent that DEC is unsympathetic to the integrity of the infrastructure or landscape of the community and has made little to no attempt to address the concerns of the community regarding those issues in particular. A *Business Week* article (Nov. 16, 2007) ranked Middleport in the top 12 best communities to raise children in the country. Factors that attributed to this honor include Middleport's tree-lined streets, friendly residents, good schools, inexpensive housing market, great police department, and low crime rate, all of which make this community such an attractive place to live and raise a family.



While we understand that this may be an unprecedented situation, where a community has organized and spoken in opposition to any state involvement in a remediation project, the contempt that this community has endured by DEC representatives and our state government is extremely inappropriate and unacceptable from an entity that was created to serve its constituents.

The people of our state deserve to be heard, and the residents of the Village of Middleport rightly feel ignored and disrespected by their government, mainly DEC.

At a time when economic development and recovery are so vital to our State and local communities, it seems contradictory to the “New” New York, and “NY Open for Business” tag lines to essentially burden a small community in Western New York with a seemingly never ending, highly opposed, and unrealistic remediation project that has the potential to cripple its economic growth for years to come. We ask you Governor, is that the message we want to send the people of our state?

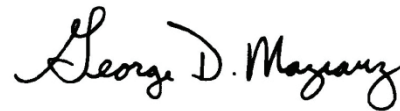
New York State agencies are accountable to the executive branch, in which case we respectfully request your assistance as Governor in interceding in this matter and working to negotiate a more agreeable solution for the community. Although this request has been made before, we have full confidence that this issue will receive your full attention in addition to your most exhaustive efforts to rectify this situation.

We appreciate your consideration and look forward to working with you to find a satisfactory solution to the unfortunate circumstances in Middleport. As always, please do not hesitate to contact our offices if we can be of any assistance to you or answer any questions that you may have.  
Thank you.

Sincerely,



**JANE L. CORWIN**  
**Member of Assembly**  
**144<sup>th</sup> District**



**GEORGE D. MAZIARZ**  
**Member of Senate**  
**62<sup>nd</sup> District**