



NEW YORK STATE SENATOR

George D. Maziarz

Senator Maziarz focuses on Middleport remediation debate

GEORGE D. MAZIARZ September 26, 2013

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The following is a "guest view" submitted to local newspapers by Senator George Maziarz and Assemblyman Jane Corwin:

Middleport residents are locked in a battle with State DEC officials over unnecessary soil remediation plans that threaten to—literally—tear up their village. Fortunately, one person—Governor Cuomo—can resolve this situation in a way that ensures a satisfactory cleanup that does not disrupt their local quality of life for the next decade.

The New York State Department of Environmental Conservation (DEC) recently ordered the excavation of up to 202 Middleport properties to remove soil containing arsenic that allegedly came from the chemical plant of FMC Corporation decades ago. This remediation plan could take at least five years and up to ten years to complete, cost in excess of \$70 million, and rip apart the village's infrastructure and character. Not surprisingly, it is opposed by a majority of Middleport residents.

And as more evidence shows that the arsenic levels in the soil do not pose health risks, Middleport residents are overwhelmingly speaking out against the DEC's aggressive remediation plan.

Unfortunately, it appears that the DEC is prepared to ignore this growing chorus of voices in staunch opposition to its plan—leaving the Village with one last hope to avoid a decade of massive disruption that offers no meaningful reduction in health risk.

Since all of our state agencies are accountable to the executive branch, Governor Cuomo can step in now and help negotiate a compromise that works for village residents while addressing any legitimate DEC concerns.

In 2011, FMC proposed just such a plan, recommending soil cleanup on portions of up to 152 village properties. At approximately \$27 million, FMC's proposal would minimize community disruption and

take half as long to complete.

More importantly, Middleport residents largely favor FMC's more measured plan—which as the backing of 64 percent of the community, according to a November 2012 Siena poll—over the DEC's overly intrusive approach. It's clear why.

Middleport, with its picturesque tree-lined streets and affordable housing market, has long been recognized as one of the country's most attractive communities in which to raise a family. But a decade's worth of heavy machinery ripping up whole lawns, mature trees and shrubs, tearing down tree-filled parcels, and disrupting traffic would no doubt damage the community's reputation as an ideal place to live.

At a time when many communities here in Western New York are still struggling to bounce back from the national recession, burdening such a small community with this unwanted and unneeded project has the potential to cripple businesses and stunt economic growth for years to come.

We understand that this is not a typical scenario: a community organizing *against* state involvement in an environmental remediation project. But Middleport residents know that the DEC's plan will forever and unnecessarily damage their village.

With the DEC seemingly unwilling to listen to the community's concerns, we are hopeful that Governor Cuomo will step in and forge a compromise that works for Middleport residents.

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