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STATE OF NEW YORK  
ALBANY

RANKING MINORITY MEMBER  
Corporations, Authorities and  
Commissions Committee  
House Operations Committee

COMMITTEES  
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Mental Health

JANE CORWIN  
Assemblywoman 142<sup>nd</sup> District

Vice-Chairwoman Minority Conference  
Chairwoman Assembly Minority Review Committee

August 24, 2012

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

Dear Governor Cuomo:

I am writing on behalf of a number of my constituents from the Village of Middleport, who have expressed their serious concern with the most recent proposal, CMA-9, set forth by the New York State Department of Environmental Conservation and New York State Department of Health, with regards to the remediation of properties off site to the FMC Corporation Plant, for solid state arsenic in the soil.

As you are aware, public information meetings were held on June 27, 2012 at the Middleport Fire Hall, and August 22, 2012 at the Middleport Masonic Hall, which I personally attended along with many members of the community, in particular members of The Middleport Community Input Group, as well as members of my staff, to review the Draft Statement of Basis (DSB) presented by DEC and DOH officials for the remediation of contaminated property in the Village of Middleport. Although the DSB states that it addresses the concerns of the community, following the public hearing and discussing this matter at length with many residents and community activist groups in Middleport, evaluating written comments from the public, and reviewing the proposed Corrective Measure Alternatives (CMAs), in particular CMA-9, many residents feel that the DEC continues to disregard their concerns and push for unattainable remediation standards that go beyond the "practical" concern for public health.

The Middleport Community Input Group understands that there are varying views on how much remediation should be done, and the group has made it clear they believe that every individual has a right to feel safe and comfortable in their own home. While they will gladly receive alternative opinions on how to best address the situation, throughout the public comment period, concerns of CMA-9 have been raised to my office consistently.

Among the concerns that the residents of Middleport have includes not only maintaining the character of the village, but the ability of the village's infrastructure to withstand a remediation project the magnitude that CMA-9 requires. In addition, the estimated time of completion that was conveyed to the public was 5 years. For a project this large in scale, 5 years may be a presumptuous estimate and not account for a range of delaying variables that may encumber the completion of the remediation. This time period also does not include the time required to repair and rebuild the Village's infrastructure and restore the character of Village.

Furthermore, the proposed fill that the remediate toxic soil will be placed in is still located near the Village of Middleport, a location that is less that 250 yards from Royalton Hartland High School which hundreds

of children attend daily and has already been partially cleaned and cleared of toxic soil. By excavating the currently settled soil without relocating it to another distant location, I question the affectedness and benefit, if any at all, to the health of the community; the toxic soil will not be gone, just merely moved around.

The last two years Governor, you have very deservedly taken great pride in changing the business climate here in New York State, and you have made great strides in leading our state government to make "NY Open for Business." The situation in Middleport is a glaring example of the Albany disconnect from the people of the state, that has been plaguing New York for many years and put the New York business community at a disadvantage in comparison to other states.

In an economic time when jobs, revenue and tax base are commodities valued more than ever, FMC corporation is not only the largest private employer in the Village of Middleport, but supplies a large tax base to the Village and Niagara County and supports the local economy in a critical and significant way. The proposed remediation project will put a large burden directly on the back of FMC, potentially forcing the company to seek elsewhere for a more conducive business climate. This would not just negatively affect FMC, but the residents of the Village of Middleport, Niagara County, and Western New York as well.

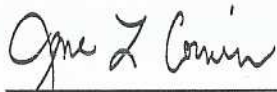
As I am sure you are aware of the great distress that this matter is causing the community, I respectfully request that you intercede on behalf of the residents of the Village of Middleport and convey to NYSDEC and NYSDOH the view of the people; which is to reconsider the proposal CMA-9 and support an alternative solution that truly addresses the concerns of the community.

After the review of public comment, I am sure you will agree that it is in the best interest and wishes of the people of Middleport, that you request reconsideration by the pertinent State Agencies and negotiate an agreement that is more congruent to the needs of all of the people of Middleport.

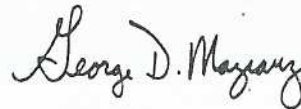
I thank you for your diligence on this matter, and please do not hesitate to contact my office if I can be of any further assistance to you. I would be more than happy to personally discuss the merits of this matter if you find a meeting appropriate.

Thank you.

Sincerely,



Jane L. Corwin  
Member of Assembly  
142<sup>nd</sup> District



George D. Maziarz  
Member of Senate  
62<sup>nd</sup> District

cc: Joseph Martens, Commissioner, NYSDEC  
Nirav R. Shaw, M.D., M.P.H., Commissioner NYSDOH  
Bob Cozzy, Bureau Director, NYSDEC  
Sally Dewes, Environmental Engineer, NYSDEC  
Jennifer Bieber, Supervisor Town of Royalton  
Richard Wescott, Mayor, Village of Middleport  
Judith Smeltzer, Director of State Government, FMC  
Barbara Del Duke, Senior Manager, FMC  
William Arnold, Middleport Community Input Group