

**CHAIRMAN**  
MENTAL HEALTH &  
DEVELOPMENTAL DISABILITIES

**COMMITTEE MEMBER**  
CITIES  
CIVIL SERVICE AND PENSIONS  
CORPORATIONS, AUTHORITIES  
AND COMMISSIONS  
ENVIRONMENTAL CONSERVATION  
HIGHER EDUCATION  
LOCAL GOVERNMENT  
VETERANS' HOMELAND SECURITY  
AND MILITARY AFFAIRS

THE SENATE  
STATE OF NEW YORK



**ROBERT G. ORTT**  
**SENATOR, 62<sup>ND</sup> DISTRICT**

**ALBANY OFFICE:**  
ROOM 815  
LEGISLATIVE OFFICE BUILDING  
ALBANY, NEW YORK 12247  
(518) 455-2024  
FAX: (518) 426-6987

**DISTRICT OFFICE:**  
175 WALNUT STREET, SUITE #6  
LOCKPORT, NEW YORK 14094  
(716) 434-0680  
FAX: (716) 434-3297

February 12, 2016

Basil Segos, Acting Commissioner  
NYS Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233

Dear Acting Commissioner Segos:

Today I write about an issue that has plagued greater Niagara County for 40 years – the toxic legacy of Love Canal. Unfortunately, this legacy persists as residents of North Tonawanda and Wheatfield are dealing firsthand with a landfill that for 25 years were told was safe, and recently –like the original site of Love Canal – was declared a Superfund site. To state that I am disappointed would be a dramatic understatement, as I share a deep frustration with my residents over this issue. Throughout the various developments surrounding Love Canal, Niagara County residents have repeatedly felt betrayed at all the stakeholders – from corporations to government – and this change in the status of the landfill reinforces that pre-existing sentiment.

For 25 years, residents of both North Tonawanda and Wheatfield have expressed concerns over the lack of fencing, the rusty chemical drums, discolored standing water, and burns received by children who were exposed to that water. They were told for two and a half decades that there was no cause of concern. Then, in December of 2015, the Department of Environmental Conservation (DEC) decided to classify the site as a Superfund site AFTER the removal of all the love canal material. I would like to know how is this possible? How can a site become more contaminated after the removal of toxic waste? I have a hard time drawing a conclusion other than this was a complete dereliction of duty by the DEC for 25 years.

For 25 years, the DEC ignored the repeated calls of concern from these Western New York communities. Only in 2012 did the DEC finally reinvestigate the landfill and even then it took three years before it was reclassified as a Superfund site. Since the 1980s, the DEC has ignored its own report calling on the site to be remediated, and at the minimum that the containments should be capped and a fence constructed to restrict access.

I now call on you to immediately address this situation for past and current residents of the Towns of North Tonawanda and Wheatfield. Make this right for the past and current residents of Niagara Falls who lived with this legacy.

I ask you to outline for me the timeline and plan for remediation of this property. I also ask that you coordinate with local residents, public health experts, and elected officials to resolve what began as an environmental disaster that has countless times turned into a government debacle.

Sincerely,

A handwritten signature in black ink, appearing to read "Robt G. Ort". The signature is stylized with a large initial "R" and a circular flourish at the end.

Robert G. Ort  
Senator, 62<sup>nd</sup> District

RGO:je