

**RESOLUTION REQUESTING THAT NEW YORK STATE DESIGNATE EIGHTEENMILE CREEK A
TOP PRIORITY FOR NEW YORK STATE SUPERFUND PROGRAM**

WHEREAS, the Great Lakes Water Quality Agreement between the United States and Canada has designated Eighteenmile Creek in Niagara County as a Great Lakes Area of Concern because of water quality and bottom sediment problems associated with past industrial and municipal discharge practices, the disposal of waste and the use of pesticides, and

WHEREAS, the Great Lakes Legacy Act was enacted into law to assist with the remediation of contaminated sediments in designated Areas of Concern within the Great Lakes Basin, with 35% of total project costs originating from a non-federal source, and

WHEREAS, New York State Department of Environmental Conservation has identified the Eighteenmile Creek Corridor Site (# 932121) in Lockport, New York as a Class 2 Inactive Hazardous Waste Disposal Site and a source to the contamination negatively impacting the Eighteenmile Creek Area of Concern, and

WHEREAS, the Eighteenmile Creek Corridor Site is contaminated primarily with lead and polychlorinated biphenyls (PCBs) which pose a significant threat to human health associated with current and potential exposure sediment and a significant environmental threat associated with current and potential impacts of contaminants to Eighteenmile Creek, and

WHEREAS, the New York State Inactive Hazardous Waste Disposal Site Remedial Program (a/k/a State Superfund Program) is an enforcement program, the mission of which is to identify and characterize suspected inactive hazardous waste disposal sites and to investigate and remediate those sites found to pose a significant threat to public health and environment, and

WHEREAS, New York State Department of Environmental Conservation completed a Proposed Remedial Action Plan (PRAP) and Record of Decision (ROD) which finalized a \$22 million cleanup plan that will be implemented to address contamination at the Eighteenmile Corridor Site, and

WHEREAS, New York State is now citing budget issues within the New York State Inactive Hazardous Waste Disposal Site Remedial Program and proposes to refer the Eighteenmile Creek Corridor Site to the National Priorities List (NPL), a/k/a Federal Superfund Program, and

WHEREAS, if transferred to the National Priorities List (NPL), all Eighteenmile Creek Corridor Site and Eighteenmile Creek Area of Concern restoration activities will cease for years to come due to the "slow-paced" atmosphere of the Federal Superfund Program and the nation-wide competitive funding source, and

WHEREAS, if transferred to the National Priorities List (NPL), all Eighteenmile Creek Area of Concern restoration activities underway utilizing the Great Lakes Legacy Act will cease indefinitely due to the loss of a non-federal funding source required to leverage federal dollars, and

WHEREAS, projected appropriations in the New York State budget for the New York Hazardous Waste Remedial Cleanup Fund are \$120 million for FY 2011-2012 and \$120 million for FY 2012-2013, and

WHEREAS, no other New York State Class 2 Inactive Hazardous Waste Site or other non-federal source of funding has the potential to leverage over \$41 million in federal funds from the Great Lakes Legacy Act Program to restore the waters of NY State, and

WHEREAS, once remediated, no other New York State Class 2 Inactive Hazardous Waste Site has the potential to delist a Great Lakes Area of Concern, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara requests that New York State retain the Eighteenmile Creek Corridor Site as a New York State Class 2 Inactive Hazardous Waste Disposal Site and assign TOP PRIORITY to the site within the New York State Inactive Hazardous Waste Disposal Site Remedial Program (a/k/a State Superfund Program), and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon the entire Western New York delegation to the New York State Legislature, and those chairmen and ranking minority members of relevant committees in the New York State Senate and Assembly, to provide such legislative support as shall be necessary to affect the same, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Andrew M. Cuomo; Attorney General Eric T. Schneiderman; U.S. Senator Charles E. Schumer; U.S. Senator Kirsten E. Gillibrand; Senate Vice President Pro Tempore George D. Maziarz; Senator Mark J. Grisanti; Senate Temporary President Dean G. Skelos; Senate Majority Leader Thomas W. Libous; Member of the Assembly Jane L. Corwin; Member of the Assembly Jim Hayes; Member of the Assembly Stephen Hawley; Member of the Assembly Robin Schimminger; Member of the Assembly John D. Ceretto; Member of the Assembly Robert K. Sweeney; Member of the Assembly Teresa R. Sayward; Member of the Assembly Steve Englebright; Acting Commissioner of Environmental Conservation Joe Martens; and all others deemed necessary and proper.

LEGISLATOR JOHN SYRACUSE

LEGISLATOR GERALD K. FARNHAM

LEGISLATOR RICHARD E. UPDEGROVE

APPROVED FOR SUBMISSION:

CHAIRMAN

MAJORITY LEADER

MINORITY LEADER