

May 28, 2009

Dear Modock Springs Resident

I want to follow up with you on a meeting we had yesterday with the New York State Department of Environmental Conservation (NYSDEC). Senator Michael Nozzolio, Councilman John Accorso, Mike Annechino (Chairman of the Modock Springs Citizen Advisory Committee), Paul Lytle (Environmental Advisor), and I met with high-ranking members of the NYSDEC concerning the implementation of the Value Protection Plan (VPP) for the Modock Springs investigation area residents.

We described to the NYSDEC the elements of the VPP and the work that the Town has done in preparing to implement the Seller Protection part of the VPP. In an earlier correspondence, I described the importance of gaining the cooperation of the NYSDEC to enable the Seller Protection element to move forward.

Funding the Seller Protection part of the VPP is composed of several funding components – NY State funds, Town of Victor funds, and PRP (Syracusa Sand & Gravel) funds. Senator Nozzolio has pledged \$250,000 from the State of New York and is continuing to work hard to obtain this money despite the difficult financial crisis New York State is facing. The leadership of the Town of Victor has repeatedly said they are morally obligated to insure that a VPP program is in place and some meaningful funding from the Town has always been seen as a necessity to fully implement an appropriate VPP.

Syracusa Sand & Gravel has pledged \$850,000, which is by far the major funding commitment, to support the Seller Protection Program. We need to have the NYSDEC agree to postpone the reimbursement of the Modock Springs groundwater investigation costs from Syracuse Sand & Gravel until after the Seller Protection Program is up and running. NYSDEC is driven by their legislative statutes to collect this money from Syracuse Sand & Gravel to cover the costs for both the groundwater investigation and any remediation systems they install. Initially, the Syracuse Sand & Gravel's pledge of \$850,000 can't fund both programs (as the \$850,000 will be paid out over 15 years).

The NYSDEC has listened to our request and is working to help us. We continue to hear from them how they are struggling to come up with a way to help us without contradicting their legislative directives or to set a precedent that complicates other groundwater investigations across New York State.

Here is a summary of what they told us at yesterday's meeting:

1. The NYSDEC must finish their evaluation of whether and what type of remedial action will be necessary to address the contamination that remains in the groundwater. Until that determination is made it is unclear to the NYSDEC what the total sum of money is due the NYSDEC for the investigation, potential remediation, and long term monitoring costs. According to the NYSDEC, this must be determined so the NYSDEC knows how much money they are being asked to postpone collecting from the Potentially Responsible Party (Syracusa Sand & Gravel). The NYSDEC said that this information should be available by the end of June, 2009.
2. The NYSDEC must first complete their review of the potentially Responsible Party's (Syracusa Sand & Gravel) financial records. The NYSDEC must then independently and thoroughly assess the financial condition of the Potentially Responsible Party and determine their ability to fund the investigation, potential remediation, and long term monitoring costs. The NYSDEC has received this financial information and is reviewing it. They said that no commitment to postpone reimbursement of these costs can be made until that evaluation is finished.

The good news out of our meeting was that the NYSDEC continued to impress us with their focus on working with us and enable an appropriate resolution for the Modock Springs residents. They didn't say it would be easy, but we were assured that they will remain a member of our partnership that will see the VPP through to completion.

We were proud to present to the NYSDEC petitions from 52 of our 59 homes in the Modock Springs investigation. The 52 petitions had a total of 74 signatures on them. This impressed the NYSDEC and showed them the Town and the citizens that have been impacted remain focused on obtaining a fair resolution to the issue.

We will be establishing a Public meeting in mid-July to review this information from the NYSDEC with you so that we can take the next step in finalizing all the elements of the VPP.

If you have any questions or comments feel free to contact me at 742-5020 or Paul Lytle at 739-2816.

Best Regards,

Jack Marren

Town of Victor Supervisor