

BRIAN HIGGINS
26TH DISTRICT, NEW YORK

COMMITTEE ON WAYS AND MEANS
VICE RANKING MEMBER
SUBCOMMITTEE ON HEALTH
SUBCOMMITTEE ON TRADE

COMMITTEE ON THE BUDGET

CO-CHAIR, CANCER CAUCUS

CO-CHAIR, NORTHERN BORDER CAUCUS

CO-CHAIR, REVITALIZING OLDER CITIES
TASK FORCE

Congress of the United States
House of Representatives
Washington, DC 20515-3226

July 31, 2018

2459 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-3306
(202) 226-0347 (FAX)

726 EXCHANGE STREET
SUITE 601
BUFFALO, NY 14210
(716) 852-3501
(716) 852-3929 (FAX)

800 MAIN STREET
SUITE 3C
NIAGARA FALLS, NY 14301
(716) 282-1274
(716) 282-2479 (FAX)
higgins.house.gov

Hon. Peter D. Lopez
Regional Administrator
USEPA
290 Broadway
New York, NY 10007

Hon. Basil Seggos
Commissioner
NYSDEC
625 Broadway
Albany, NY 12233

Re: No leniency for Tonawanda Coke

Dear Administrator and Commissioner:

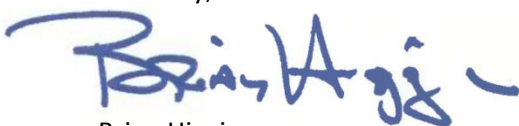
Correspondence of July 23, 2018 between both the US Justice Department and the New York State Attorney General's Office and attorneys for Tonawanda Coke indicate that Tonawanda Coke has plainly, clearly, openly and egregiously violated the terms of the Consent Decree which had resolved their 2016 Clean Air Act and Resource Conservation and Recovery Act case. This correspondence further reflects that fact that there may be additional significant violations of this consent decree, pending the results of a joint inspection of the property which had been conducted jointly by your agencies on June 19 and 20.

In the context of these violations, after Tonawanda Coke had already been given a chance to comply with the law, I write today to advocate that within the latitude afforded to you in your roles as enforcers of federal and state environmental laws and regulations, that you show this repeat offender no leniency whatsoever, and that you use every resource available to you to prosecute them to the fullest extent of the law.

The federal and state governments have spent literally hundreds of millions of dollars to clean up environmental contamination in the Town of Tonawanda alone, and many millions more in the surrounding communities. That is reason enough to justify strict enforcement of the law here. Even more compelling, however, is the plight of this corporation's neighbors, who organized to fight this polluter, and have suffered too long from the threats posed to human health as a result of Tonawanda Coke's violations.

Thank you for your leadership in the enforcement of the environmental laws of the State of New York and the United States of America.

Sincerely,



Brian Higgins
Member of Congress