



**Tonawanda
Coke Corp.**



Harter Secrest & Emery LLP
ATTORNEYS AND COUNSELORS

WWW.HSELAW.COM

December 30, 2008

Jackie James-Creedon
Executive Director
Clean Air Coalition of W.N.Y.
2840 Delaware Ave., Suite 202
Kenmore, New York 14217

Re: Tonawanda Coke Corporation
Dear Ms. James-Creedon:

Please be advised that our law firm represents Tonawanda Coke Corporation. We are in receipt of your letter dated November 26, 2008 and provide this response.

Initially, we dispute any implied notion that Tonawanda Coke has contributed to or is contributing to any elevated levels of air contamination in the area or that our operations are causing a health risk in the community. Our client has been and continues to be in full compliance with all conditions of the company's lawfully issued DEC air permit. Extensive monitoring, maintenance, testing, and reporting is required under our DEC permit confirms this and not once has our facility been cited for an air permit violation or air release(s) in excess of DEC air quality standards. The stringent regulatory oversight by DEC requires no less. Our client, for these and other reasons, remains diligent in its compliance efforts and compliance is the reward. We do not believe, therefore, that our operations cause any impact on the health of our community as you have mentioned.

Our client has been a good neighbor in the Town of Tonawanda for decades. Over many years, the company has made significant investments in our community, has maintained needed jobs and tax revenues that make our community better, and has fostered economic development in the Town. The company has made those commitments when many others have not. We feel, nevertheless, that it would be inappropriate for us to sit down with a representative of your organization to discuss our manufacturing operations or other details about our facility or facility operations.

We, therefore respectfully decline your request for an interview.

Very truly yours,

Harter Secrest & Emery LLP
Cary A. Shatley

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ODOR AND EMISSIONS LOGBOOK

For each incident note the date, time, location/ address, wind direction and speed, duration of odor, suspected source of odor (upwind), visible emissions. Describe the odor as precisely as possible (e.g. rotten eggs, sour, acidic, gasoline, ammonia, solvent, nail polish remover, sweet, tar-like, burning rubber or asphalt). Describe any reactions to odor/emissions (e.g. headache, stomach ache, vomiting, trouble breathing, throat closing, burning eyes, itching, nausea, skin crawling). Rate the intensity of odor on a scale of 1-10 (e.g. 2 = faint, 7 =strong, 10 = overwhelming). It is critical to report in writing each incident to the DEC. If you report this incident to local authorities, note to whom, time/date reported, and response.

INCIDENT REPORTING / CONTACTS

- Clean Air Coalition of Western New York 716 - 873 - 5608 www.cacwny.org
- Larry Sitzman, Dept of Environmental Conservation, Air Quality, 270 Michigan Ave., Buffalo, NY 14203, 716-851-7130.
- Erie County Health Dept., 961-7898
- Daniel Pye, Tonawanda News, 693-1000 x158, pyed@gmnewspaper.com
- Patrick Taney, Channel 7 News, 840-7758, taney@wkbw.com

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