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**Residents Do Not Believe Battaglia Demolition is Paying its Fair Share Under Settlement
for Years of Pollution in Seneca Babcock**

A \$50,000 fine is not enough for the longtime violator. Residents are concerned that concrete crushing will be allowed to resume for the remaining concrete on the property.

A year after a settlement agreement was proposed, the Office of the Attorney General and state Department of Environmental Conservation resolved a lawsuit against Peter Battaglia, Jr., who owns and operates Battaglia Demolition, 1037 Seneca St. The DEC and the Attorney General's Office put out a press release which did not include the perspective of the residents of Peabody Street. This release is in response.

Battaglia Demolition, a waste transfer site, has plagued the Seneca-Babcock neighborhood's quality of life for over a decade. During that time, Battaglia illegally operated a concrete crusher that blanketed the surrounding blocks in silica dust, which is known to cause respiratory illnesses such as asthma, lung disease and lung cancer. The operation also damaged the foundations of residents' homes and incessant truck traffic polluted the air with diesel fumes. The operation shutdown in 2018 after years of organizing by community residents with the Clean Air Coalition of Western New York (Clean Air).

The settlement agreement, signed Tuesday by Erie County Supreme Court, directs Battaglia to clean up the remaining debris, trash and concrete within 120 days. In addition, a natural, green space is to be created onsite. At minimum, Battaglia will pay a \$50,000 fine. That penalty could reach \$1 million if he does not comply with the agreement. However, even the maximum fine pales in comparison to the potential \$26 million penalty Battaglia faced after years of violations, pursuant to Environmental Conservation Law for operating without an air permit from June 2013 to April 2018.

“Clean Air commends the Department of Environmental Conservation and Attorney General’s Office for taking action against Battaglia,” said Chris Murawski, Executive Director of Clean Air. “But we believe the settlement agreement should have centered on the needs of the residents. After destroying residents quality of life for many years Battaglia Demolition will be able to crush the remaining concrete on site, pay an extremely lenient penalty and be able to profit from the future sale of the land while residents receive no restitution.”

After the 2018 shutdown, the property was abandoned. In the intervening years, the derelict site attracted illegal dumping, creating mounds of garbage and other refuse. That’s drawn rats and, after rain, a moldy odor that washed over the neighborhood.

The building also caught fire during the settlement process in 2021. The dangerous, burnt out eyesore remained largely untouched by Battaglia since then. Due to the lack of action, residents were forced to work with city officials to push for Honorable Judge Patrick Carney to grant the City of Buffalo an emergency demolition order in housing court that commenced Aug 8, 2022.

“The results of the settlement are a slap in the face to the residents of this neighborhood,” said lifelong Peabody Street resident Jack Wagner. “When my mother was alive and on oxygen, she could not even sit in the yard due to the dust and noise, could not even have dignity to enjoy our property. If it was not for the relentless work of the residents led by Diane Lemanski and Clean Air none of this would have happened”

Despite the order, piles of concrete remain on the property, which the agreement allows Battaglia to crush onsite. This will be emotionally traumatizing and could become another public health threat for the residents who have already had to endure years and years of this activity. The residents are demanding that no crushing takes place onsite and any concrete to be recycled must be taken to offsite crushing facilities.

“Yes, the shutdown is a positive thing but it is the bare minimum of what should be done. We deserve better after having dealt with breathing in silica dust, dealing with constant truck traffic, rats, and damage to our houses from constant shaking. It is unacceptable that Battaglia will be able to crush the remaining concrete behind my house. We want justice for what we have had to endure since 2009 and we will continue to fight,” said Peabody Street resident Diane Lemanski

Residents and community members see the demolition and signed agreement as a step in the right direction after 10 years of fighting for health and justice. Clean Air will continue to monitor the ongoing legal actions by the city to recoup the funds spent for cleanup and demolition of the site. The community envisions the best use of the land that will bring true justice is for the property to be gifted to the community and held by a Land Trust as green space and a carbon sink to make up for the years of suffering.

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The Clean Air Coalition builds power by developing grassroots leaders who organize their communities to run and win environmental justice and public health campaigns in Western New York.