

JOSEPH SALADINO
SUPERVISOR



OFFICE OF THE TOWN SUPERVISOR
54 AUDREY AVENUE
OYSTER BAY, NEW YORK 11771
516-624-6350

July 6, 2020

Dr. Thomas L. Rogers, Superintendent of Schools
Syosset Central School District
P.O. Box 9029
Syosset, NY 11791

Dear Dr. Rogers,

Thank you for your letter dated June 19, 2020 regarding your concerns pertaining to the potential redevelopment activity at the former Cerro Wire site. We welcome the open dialogue and opportunity to respond to your preliminary concerns. While the Town has yet to receive a formal application, we have received recent information and decades of testing that has been performed and substantiated by recent third-party certified experts. Please consider the information presented below. The community can rest assured that any development in the Town of Oyster Bay requires strict adherence to compliance with all mandated regulatory processes.

As you are aware, on June 25th, the New York State Department of Environmental Conservation - in collaboration with the New York State Health Department - released its findings on the results of testing at both the former Cerro Wire site and the Town of Oyster Bay Landfill property in Syosset. The Town of Oyster Bay received a briefing from the New York State Department of Environmental Conservation, which highlighted findings that indicate neither property poses a public health threat. In fact, groundwater samples from both 2016 and 2019 did not indicate any site-specific contamination for the Cerro Site. Furthermore, there are no records that identify radium-226 in wastes disposed of within the landfill, and that analytical results are consistent with radium levels found naturally in the soils throughout Long Island. These results match your independent environmental testing results at South Grove Elementary School, which also indicated no risk to the public. Further, there will be no disturbance whatsoever at the former landfill site as the Town has retained ownership of this property. Thus, there is no potential for any impact to the integrity of the cap. All mandatory testing of the landfill will continue vigorously.

Federal, State, County and Town governments now have three decades of testing and validity data that confirms the safety of our community while refuting unsubstantiated fears rampant on social media. The Department of Environmental Conservation and the State Health Department have also indicated that the landfill poses no exposure risk to residents. The report confirms that the former landfill was properly capped, closed, remains intact and protective of the environment and all human life. In fact, there are no active requirements from the United States Environmental Protection Agency, Department of Environmental Conservation or the State Health Department for further remediation at the landfill which is very strong proof of the integrity and safety at this location and the surrounding community at large. To arrive at these

conclusions, the State Department of Environmental Conservation spent 19 months reviewing third party verified-data and preparing a comprehensive analysis which ultimately culminated in the publicly available report on their findings. On behalf of the State Department of Environmental Conservation, a private company named Environmental Assessment & Remediations collected the samples. Then, private companies Test America Inc. and Pace Analytical tested the samples. These are independent companies. Third-party verification was performed in accordance with quality control requirements as part of the Data Usability Summary Report (DUSR). The data was reviewed by multiple divisions in the State Department of Environmental Conservation, the testing was explained, and the protection of the environment, public health and human safety was confirmed. It is our understanding that the School District's consultants are in the process of reviewing these reports. That said, a recent memo from Walden Environmental Engineering PLLC, dated June 25, 2020, posted on the School District website states, "Based on our review of the information contained in *the Syosset Landfill Radiological and Emerging Contaminant Sampling Summary and Assessment* (Syosset Landfill Report), there is nothing in this report that would indicate that groundwater at the former Syosset Landfill poses hazardous conditions or health concerns to South Grove Elementary School. Similarly, the NYSDEC's Brownfield Cleanup Program Fact Sheet (Brownfield Fact Sheet) states that the former Cerro Wire site does not pose a significant threat to human health or the environment..." (both sentences are quoted directly from the first page of their memo).

The Town of Oyster Bay has and will continue to conduct groundwater and landfill gas monitoring in addition to site inspections to ensure that the capping system has not and will not be compromised. The landfill has a series of exhaust wells that run along the ridge of the cap and wells along the perimeter of the cap and the property line which are tested semi-annually. There is a groundwater monitoring program for both on-site and off-site that is conducted every five quarters. The landfill capping system is inspected semi-annually for settlement, cracks in the pavement, vegetation growth, well damage, and a functioning drainage system. These inspections are compiled into an annual report which is submitted to the United States Environmental Protection Agency and State Department of Environmental Conservation. On top of reviewing these annual reports, the United States Environmental Protection Agency conducts a formal review of the site every five years to ensure that the capping system and associated monitoring programs are protective of human health and the environment, and if any changes to the monitoring programs are warranted. The annual reports and five-year review reports are all posted on the United States Environmental Protection Agency website. The 2017 United States Environmental Protection Agency five year review specifically stated: "The implemented remedy for the Syosset Landfill Superfund Site protects human health and the environment. There are no exposure pathways that could result in unacceptable risks and none are expected." To be clear; ongoing maintenance and monitoring should and will continue at the landfill. No further actions were deemed necessary by the United States Environmental Protection Agency, the New York State Department of Environmental Conservation, or the New York State Health Department.

As for the former Cerro Wire Site, the applicant is proceeding with the Brownfield Cleanup Program, as evidenced by the recent notice from the State Department of Environmental Conservation regarding approval and availability of the Remedial Investigation Report (RIR) for the site. The RIR summarizes the nature and extent of contamination, as determined from data gathered during the historic investigations conducted from 1987 to 2006, 2015 soil investigation, the 2016 groundwater investigation, and the 2017 and 2019 soil vapor and groundwater investigations. The environmental investigations conducted at the site over the past 30 years have generated sufficient data to define the nature and extent of contamination in soil, groundwater,

and soil vapor; qualitatively assess the potential exposure of receptors to site contaminants; and support the development of a remedial action work plan (RAWP). The recently State Department of Environmental Conservation approved RIR specifically states, "Post construction, the Track 4 remedy contemplated for the Site including the anticipated institutional and engineering controls, will completely eliminate the potential for exposure by direct contact with soil exceeding the appropriate soil cleanup objectives (SCOs). This will be properly addressed in the subsequent RAWP."

Again, as part of the BCP process, the State Department of Environmental Conservation and the State Health Department determined that the site does not pose a significant threat to human health and the environment based on their review of this RIR and decades of testing. Further, included in the RAWP are additional, site specific proactive planning and environmental health and safety documents, including but not limited to the following: a site management plan (SMP), a health and safety plan (HASP), and a community air monitoring program (CAMP) plan. The State Department of Environmental Conservation will provide another fact sheet on the Remedial Work Plan. There is a 45-day public comment period on the RAWP, and State Department of Environmental Conservation then has the option to conduct a public hearing, which would occur prior to the close of the aforementioned 45-day public comment period. There are numerous opportunities for public participation and involvement in the BCP process. As per the State Department of Environmental Conservation's correspondence to the Syosset-Woodbury School District dated June 25, 2020, "The remedy must be protective of public health and the environment and support the safe reuse of the property for its current future intended use."

Building on these reports, I was happy to recently read that State Senator James Gaughran, State Assemblyman Charles Lavine and County Legislator Arnold Drucker also issued a statement indicating that there is no significant risk to the public or the environment. We now expect the applicant – Simon Properties - for this project to ask for no variances from our Town Code or any request for a change of use for the property from what it is zoned for. With no residential construction planned and no soil disturbance at the former landfill, the developer will move forward with the Brownfield Cleanup Program at the site, under the jurisdiction and meeting all requirements of the State Department of Environmental Conservation and State Health Department. The proposed project - an Amazon warehouse with 650 jobs - falls within the current zoning requirements for the property and therefore requires no Town Board approvals at this time. With the former Town landfill property no longer part of the project, the site is entirely owned by the private sector. While environmental jurisdiction over the Brownfield Cleanup Program of this this privately-owned property comes solely from the State, it certainly appears that three decades of testing and the independent, professional validation of data confirms the level of safety at this sites and refutes the claims made on social media.

If the Town of Oyster Bay can be of any further assistance, please feel free to contact my office at (516) 624-6350.

Yours truly,

A handwritten signature in black ink, reading "Joseph J. Saladino". The signature is fluid and cursive, with the first name "Joseph" and last name "Saladino" clearly legible.

Joseph Saladino
Town Supervisor