

Victor Triolo

From: Chris Triolo [REDACTED]
Sent: Wednesday, September 15, 2010 10:52 AM
To: Mallgraf, Greg; Victor Triolo; Victor Triolo
Cc: Sandy Shannon
Subject: Fwd: Responses to the Mattinecock Court Questions
the final response from our last official email/letter - July 29, 2010

----- Forwarded message -----
From: Gellerstein, Lora <Lora.Gellerstein@suffolkcountyny.gov>
Date: Jul 29, 2010 6:16 PM
Subject: Responses to the Mattinecock Court Questions
To: [REDACTED]
Cc: "Guido, Linda" <linda.guido@suffolkcountyny.gov>

OFFICE OF SUFFOLK COUNTY LEGISLATOR JON COOPER

Dear Mr. Triolo,

Below are the answers to the technical questions you submitted to our office regarding the Mattinecock Court development. As per Mr. Meyer, various relevant staff members from the Division of Environmental Quality have drawn up responses to the questions posed. The answers are inserted below the questions in blue font. As you will see, they are taking a second look at the issue relative to question #3. As soon as we receive an answer to that question, we will forward it to you.

Thank you for your time. Please do not hesitate to contact our office.

Best regards,

Lora Gellerstein
Chief Legislative Aide
Office of the Majority Leader
Suffolk County Legislator Jon Cooper
18th Legislative District
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On Fri, Jun 25, 2010 at 8:07 AM, Chris Triolo [REDACTED] wrote:

Suffolk County Legislator Jon Cooper
50 Gerard Street, Suite 100

Huntington, NY 11743

June 25, 2010

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Dear Mr. Cooper,

We are in receipt of your letter dated June 16, 2010, regarding the process of permitting for a Sewage Treatment Plant (STP), which is in the planning stages for Housing Help Inc.(HHI), at the proposed Matinecock Court affordable housing development in East Northport, NY.

We would like to take this opportunity to address some issues that we as a community, feel have not been given enough exposure, discussion and/or evaluation. These issues may potentially have a direct adverse effect on our community, and due to the STP's proximity, may potentially pose harm to thousands of children and educational staff in the two (2) adjacent schools[1].

While the letter of the law may have been satisfied with regards to notifying the public about the STP permitting process, in as much as this issue is very controversial, we believe that as our elected representative to the county, you might have done more to make the process as transparent and as informative as possible. It is our hope that you will consider the following pressing issues and give them your strictest evaluation possible.

Our issues include the following:

1. STORAGE OF HAZARDOUS MATERIALS WITHIN THE STP:

a. In your June 16, 2010 letter you stated: *"It does not use any outside chemicals to treat the wastewater."*

b. In 2006, Susan Lagville of HHI, made a similar response contained within the public comments portion to the Final Environmental Impact Statement (FEIS)[2] attached hereto as Attachment A. Her response to a question asked directly about hazardous chemicals being stored or used in the STP was that, *"no hazardous chemical will be shipped, handled, stored or used in the STP"*.

We would now direct your attention to pages 19-21 of the FEIS Part #4, prepared in 2004, and submitted to the Town of Huntington[3] (Attachment B). There you will see the description of Sodium Hydroxide 25% (also known as lye), including the quantities, storage, and usage and safety equipment for the maintenance personnel to be utilized at the STP.

Sodium Hydroxide 25%, according to its Material Data Safety Sheet[4] (Attachment C) is "Very hazardous in case of skin contact (corrosive, irritant), of eye contact (irritant), of ingestion. Hazardous in case of inhalation. Liquid or spray mist may produce tissue damage particularly on mucous membranes of eyes, mouth and respiratory tract. Skin contact may produce burns. Inhalation of the spray mist may produce severe irritation of respiratory tract, characterized by coughing, choking, or shortness of breath. Inflammation of the eye is characterized by redness, watering, and itching. Skin inflammation is characterized by itching, scaling, reddening, or, occasionally, blistering."

It is our opinion, as well as the opinion of the hazardous material community that this constitutes a hazardous material, which will be in very close proximity to the two (2) aforementioned schools. Of course, no one has mentioned the fact that raw sewage, treated effluent and sludge are hazardous on their own. No one has discussed or illustrated the sludge being removed or any of the other day to day issues that the STP will bring.

We ask for your assistance with holding HHI accountable to their claims of "no hazardous substances" being present at the proposed STP. We feel as though HHI is ill-equipped to handle the requirements of such a large scale development especially the management of highly specialized structures (the STP). Specifically we would like to see and/or request the drafting of standard operating procedures for the STP, storage and handling procedures for treatment chemicals and a contingency plan for leaks, spills and major events. We would also like confirmation that no other buffering and/or sewage treatment chemicals will be used at the

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proposed facility.

According to the Final Environmental Impact Statement (FEIS), two drums of sodium hydroxide solution will be stored at the sewage treatment plant. Since storage of two drums of hazardous materials would not meet the Suffolk County Sanitary Code registration threshold of 250 gallons, the Department does not have additional information regarding the storage of these chemicals. However, the Office of Wastewater Management indicates that a system for adding alkalinity is required to be installed during the construction phase of an STP, should it be required to adjust the pH of the sewage treatment plant effluent. It should be noted that the proposed STP building is situated within a fenced area accessible only to licensed operators and/or authorized personnel. The current proposal shows that the setback distance to the neighboring school property line from treatment plant building is at least 200 ft. There is an 80 ft-wide Long Island Rail Road right-of-way between the site property line and the school property. It is not anticipated that students or other members of the public will come in contact with the limited amount of treatment chemicals that are proposed.

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2. EMERGENCY PLANNING:

- a. The Northport, East Northport, Greenlawn, and Kings Park Fire Departments do not have hazardous materials response teams. The Suffolk County Police Department (SCPD) has no local resources either. No hazardous materials handling plans or emergency response planning has been completed that we are aware of. Additionally, no Fire District or School District has been consulted to the potential hazard coming into their community.

We ask for your assistance with determining the status of such plans and notifications.

The Department of Fire, Rescue and Emergency Services (FRES) was contacted for more information in this matter. FRES indicated that two drums of sodium hydroxide is below any trigger for requiring notification or emergency response planning. They indicated that it would be helpful to notify the local fire department that the material is stored onsite. They also indicated that Fire Department personnel are trained in dealing with hazardous material incidents. In cases where a local fire department does not have a Haz-Mat team, the situation is stabilized until a Haz-Mat team from another fire department, the Suffolk County Police Department (SCPD) or a town arrives. FRES indicated that in the Northport area, the SCPD Emergency Services would typically be activated for responses to hazardous material incidents.

3. GROUNDWATER IMPACTS:

a. The Suffolk County Water Authority (SCWA) has a well field, known as the Laurel Hill Road Well Field, which according to HHI's documents, lies fifteen hundred (1500') feet north of the proposed STP. As is most of HHI's documentation due to the longevity of the fight against this development, most of the reports are very old, some using data from twenty years ago or beyond. The biggest issue lies within the hydrology report (dated 2003 and authored by CDM), FEIS, Part 4, Appendix C[5] (Attachment D), which discusses the impact on the SCWA wells and the groundwater in the area of the STP. The modeling was run by CDM using 1994 pumping and recharge conditions for Suffolk County.

b. The Suffolk County Multi-Jurisdictional Multi-Hazard Mitigation Plan dated October 2008[6] (See Attachment E) details historical droughts on Long Island. the report states that in 2002, Long Island, Suffolk County in particular, showed a drought level lower than eight (8) other droughts on Long Island over nearly 100 years. It was considered to be the second worst level of drought in their measurements, and during this time New York State had the worst drought in the National Oceanic and Atmospheric Association's (NOAA) 108 year history of recording such incidents. This would be the same time that this study was performed. The question that we pose is how the fluctuation of the water table in drought conditions (i.e. maximum pump capacity) will affect the direction and speed of travel of the minimum thirty six thousand (36,000) gallons per day of treated sewage being discharged into the ground. It is not inconceivable that the local drinking water supply (currently pulled from the magothy aquifer[7]) could potentially be affected as the CDM model showed that the well field's contributing area included the southeast corner of the proposed development.

We ask for your assistance in requiring this modeling study to be re-conducted using current usage data and estimates by HHI that 37,500 gallons per day (gpd) of treated effluent will be discharged from the STP (previous model was based on 36,000 gpd).

The July 31, 2003 CDM document indicates CDM's model uses 1994 pumping and recharge rates, as these were chosen as the calibrating conditions for the Suffolk County regional model. However, two different pumping rate scenarios were modeled for the Laurel Hill Rd Wellfield: one-half capacity, and average pumping rates that "corresponded with those used in the New York State Source Water Assessment Program (SWAP)."

CDM apparently revised this report. The "Sewage Treatment Plant Engineering Report (Michael Chiarelli Engineer, P.C, May 2004, Revised February 2010)" includes a memorandum from CDM dated January 19, 2010 entitled "*Potential Impact of Treated Sanitary Effluent upon Suffolk County Water Authority's Laurel Hill Road Wellfield - Revised Location and Recharge Rate*". In this evaluation, CDM used the same recharge conditions (precipitation) as in their 2003 evaluation, but did use updated estimated long-term average water supply pumping rates developed by SCWA in 2007, as well as the one-half capacity scenario. The 2010 model runs used the 37,500 gpd treated effluent discharge from the STP, and also included an updated effluent recharge location.

The conclusions of CDM's 2010 reanalysis regarding the impact of the proposed STP on the Laurel Hill Road Wellfield differs from the conclusions of the 2003 analysis. The updated 2010 memo states: "[u]nder assumed peak conditions of water supply pumping (1/2 capacity) at SCWA's Laurel Hill Road wellfield, the wellfield could intercept a highly diluted portion of the simulated effluent plume..." The 2010 memo also states that "the downgradient SCWA Washington Street wellfield is simulated to intercept highly diluted treated sanitary effluent plume in wells 1A and 2A..."

Based upon this new information, the Division of Environmental Quality's Office of Water Resources is in the process of reevaluating its original STP Siting Report. At this juncture, we anticipate that this reevaluation to be completed in the September timeframe.

4. STP – VARIANCE REVIEW

- a. As stated in Appendix G of the FEIS (Sewage Treatment Plant Engineering Report), pages 21-22 of the document (pages attached as attachment F), the Suffolk County Department of Health Services (SCDHS) has minimum separation and setback requirements for STP's. The current layout of this development does not meet those requirements of 150 feet between the STP and property lines, and 200 feet from structures or setbacks therefore requiring the SCDHS to issue a variance to allow the development of this structure in its current location and capacity. Mr. John Sohngen, SCDHS case manager, is currently reviewing the status of this request and as of the date of submittal of this letter, has not notified us of the variance hearing date.

The Suffolk County Sanitary Code gives applicants the right to be heard for requests for variances and waivers from the code. It is the responsibility of the applicant to demonstrate that granting the variance or waiver will be in harmony with the general purpose and intent of Code to protect groundwater, drinking water supplies, surface water and other natural resources, as well as public health, safety and welfare. The Board takes this role seriously, and will only grant a variance if these conditions are met.

It should be noted that a variance hearing has not yet been scheduled. However, the Board will notify the SMC Committee when the hearing has been scheduled. Based on the need to address STP separation distance issues, as well as reevaluate the STP Siting Report, it appears unlikely that a Board of Review hearing could occur before September 2010 at the earliest.

We ask for your assistance with the SCDHS in regards to the hearing process for such variances. We feel as though a STP of this size and capacity should not receive such variances from the requirements. It is to be located near two (2) public schools, multiple residences (especially within the development), Long Island Railroad service lines, and a LIPA substation. In the event of an equipment failure or chemical spill this could cause catastrophic failure of services to our children (evacuation of the schools), service disruptions to the LIRR, and most importantly poses a health risk to those who live in the community.

The entire STP issue continues to be an issue that reminds us that much of HHI's research is based on old and potentially incorrect or hazardous information. We would argue that few Suffolk residents could use such old reference material to obtain building permits, but of course, most residents do not have the litigating successes of HHI. In any case, we feel that our representatives need to be vigilant to protect all of their residents.

The aforementioned references are of utmost interest to us, to the extent that this appears to be at the very least an omission and at worst a deception by HHI. Few issues in any major building plan are as important as the potential environmental damage that a project of this magnitude can inflict. It is the very essence of why environmental impact statements are so comprehensive. We can only imagine what else we have not been told about, what other missteps exist in these thousands of pages of documents, and what

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other not-discussed issues put this community at risk, while HHI is rubber stamped every step of the way.

We hope that we can count on you to give these matters strict examination in an effort to protect your constituency. We look forward to your response.

Thank you,

Chris Triolo

SMC Committee

www.stopmc.com

[1] Northport High School and Pulaski Road Elementary School.

[2] http://town.huntington.ny.us/permit_pics/707.pdf (page 195 of the PDF).

[3] http://town.huntington.ny.us/permit_pics/710.pdf (Pages 113-115 of the PDF).

[4] http://www.sciencelab.com/xMSDS-Sodium_Hydroxide_25_-9926878.

[5] http://town.huntington.ny.us/permit_pics/710.pdf (Page 127 of the PDF).

[6] <http://www.co.suffolk.ny.us/RESPOND/> (Section 5.4.12).

[7] The magothy aquifer is the 2nd deepest on Long Island and is overlain by the upper glacial.