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Supervisor

TOWN OF  
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February 26, 2013

Commissioner Joseph Martens  
NYS DEC  
625 Broadway  
Albany, NY 12233-1011

Dear Commissioner Martens,

The Town of Southampton has significant concerns with respect to the New York State Department of Environmental Conservation (NYSDEC) investigation of the Speonk Solvent Plume (SSP) and the determination that the SSP will not be included on the NYSDEC's Registry of Inactive Hazardous Waste Disposal Sites. While the Town understands that the NYSDEC has been unable to determine the source of the plume or identify a potentially responsible party (PRP), the presence of such a high-concentration volatile organic compound (VOC) plume in the groundwater beneath Speonk and Remsenburg certainly cannot be ignored. We are concerned about potential exposure of the residents in the plume area to VOCs via private water supply wells and soil vapor intrusion (SVI). We are also very concerned about impacts to Moriches Bay and its tributaries when the plume eventually discharges to these surface waters.

The NYSDEC, with its mission to protect human health and the environment of the State of New York, is the most appropriate regulatory agency to address the SSP. Although the Suffolk County Department of Health Services (SCDHS) has provided significant assistance in delineating the SSP and testing private water supply wells, funding cuts have reduced the ability of the SCDHS to continue with these efforts. We request that the NYSDEC continue to monitor the plume while developing a remediation plan. In addition, the NYSDEC must provide the Town with appropriate guidance concerning measures to protect the public from exposure to the plume VOCs through private water supply wells and from soil vapor intrusion. The following specific issues are noted:

- **NYSDEC Communications and Community Outreach:** The NYSDEC has not communicated sufficiently with either the Town or local interest groups. To address this issue, the Town will set up an **SSP Working Group** to include representatives from the Town, the SCDHS, the NYSDEC, the New York State Department of Health (NYSDOH), the Group for the East End, the Peconic Baykeeper, local civic groups, members of the construction trade, local realtors and other interested parties. The SSP Working Group will ensure that its members are kept up-to-date with evolving SSP issues and will be able to provide the Town and community with more timely information than has been the case to date.

- **Recent Classification of SSP to an “N” Site:** We understand that the NYSDEC has designated the SSP as an “N” Site and determined that no further action is necessary. The Town and the residents in the SSP area need to understand how this decision was made and why the NYSDEC is not implementing any of the recommendations made by its consultant, CDM, in the Site Characterization Report. Furthermore, the Town does not agree that no further action is necessary, based on the presence of private water supply wells in the pathway of the plume, the potential for soil vapor intrusion into homes as the plume becomes more shallow, and the threat to Moriches Bay and its tributaries in the plume discharge zone.
- **Current Exposure Pathways and Environmental Impacts:** One of the apparent drivers for the classification of the SSP as an “N” Site is the lack of currently completed exposure pathways or environmental impacts resulting from SSP VOCs, which we understand would have been evaluated during an exposure assessment. The Town and interested local parties have not been provided with a copy of the exposure assessment and would like to review the assessment and supporting data.
- **Evaluation of Future Exposure Pathways and Environmental Impacts:** In addition to an assessment of the current situation, the Town is concerned with the long-term health and safety of its residents and with future environmental impacts. We request that the NYSDEC, through its environmental consultant CDM, run the County groundwater model, calibrated with the most recently-available data, in a time-forward predictive mode to evaluate the potential plume path as it moves through our communities and discharges to Moriches Bay. The Town and local residents’ concerns include: 1) what happens when the plume comes closer to the ground surface as it migrates southward of its current maximum extent, potentially resulting in soil vapor intrusion; 2) what happens when the plume migrates into an area where private drinking and irrigation wells are present; and 3) what happens when the plume discharges to Moriches Bay and its tributaries?
- **Plume Remediation to Protect Town Residents and Moriches Bay:** The Town requests that the plume be remediated to protect area residents and our ecological resources. We understand that there are various ways that VOC plumes in groundwater are remediated, including air sparging and soil vapor extraction, permeable treatment walls, and other presumptive remedies. We would like to work with the NYSDEC, through the SSP Working Group, to explore the options and select a remedial method that addresses our concerns.
- **Assist with Town Policy Issues:** The Town would like to assist the NYSDEC with protecting area residents from exposure to the SSP VOCs by implementing building construction policies that address potential exposures in areas where the plume is present now and in the future. We request that the NYSDEC work with the Town to identify the areas where the policies may be needed and to confirm which policies are appropriate (e.g. private drinking/irrigation water well restrictions, soil vapor barriers, etc.).
- **Working Together to Protect Human Health and the Environment.** The health and well-being of Town residents and our ecological resources are paramount. We request that the NYSDEC team with the Town in identifying and implementing a path forward that addresses SSP impacts well before exposure pathways are completed. This may include 1) indentifying grants or funding sources for remediation, 2) working with the

SCDHS to implement an ongoing plume monitoring program, and 3) implementing an effective community outreach program for Speonk/Remsenburg residents. It is imperative that current and future residents and business owners are assured that their community and properties are safe.

I ask that the DEC kindly inform the Town of its response to these important issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Anna Throne-Holst". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Anna Throne-Holst

Supervisor

Cc: Peter Scully, DEC Region 1 Director  
Dr. Tomarken, Commissioner, SCDPH  
NYS Senator Ken LaValle  
Assemblyman Fred Thiele  
Legislator Jay Schneiderman  
Southampton Town Board  
Town Attorney, Tiffany Scarlato  
Town Planning and Development Administrator, Kyle Collins