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Via email: Nick.acampora@dec.ny.gov & First Class Mail

Nick Acampora, Environmental Program Specialist II
Division of Environmental Remediation
New York State Department of Environmental Conservation
50 Circle Road, SUNY at Stony Brook
Stony Brook, New York 11790-3409

Re: Brownfield Cleanup Site at Former Cibro Petroleum Terminal
Washington Avenue, Island Park, New York
Site No. C130153 - NYSDEC Region 1 - Proposed Amended Decision Document

Dear Mr. Acampora:

We are the attorneys for the Island Park Union Free School District, the School District in which the above noted environmental remediation is proposed to be conducted. For the reasons more fully set forth below, the Island Park School District vehemently opposes the proposed amended decision document which would allow the owner of the site to remove by truck approximately 29,000 yards of environmentally impacted soil for treatment at an offsite processing plant in Farmingdale, Suffolk County, New York.

The following is a summary of the proposed remedy modification described in the amended decision document ("ADD"):

The volunteer proposes to modify the Remedial Action Work Plan to eliminate the onsite soil washing plant, and export the estimated 29,000 yards of impacted soil for treatment to their offsite soil washing plant in Farmingdale, Suffolk County.

It is our understanding that the method of exporting the 29,000 yards of contaminated soil is to use dump trucks that will drive this soil through the Harbor Isle community over the bridge that connects it to the main land on a street that goes directly past the Francis X Hegarty Elementary School. Thus, the proposed ADD has a direct impact upon the Island Park School District and its students, staff and parents.

The District's primary concern is that as the trucks pass by Hegarty Elementary School and its playgrounds, contaminated soil will spill off of the trucks and onto school property. There is bound to be some spillage in this "exporting" process that is being proposed in lieu of the original plan to clean the soil onsite. The District does not view this as an acceptable risk even if precautions are taken. Let the developer remediate onsite as was originally proposed and approved by the DEC. Indeed, one of the three enumerated remedial action objectives in the original plan was to protect "the surrounding community from exposure to site related contaminants during remedial construction and development."

The District is also concerned that the trucking out of tons of contaminated soil will add to the already congested traffic conditions in and around Hegarty Elementary School. Traffic is particularly acute at arrival in the morning and dismissal in the afternoon when cars are lined up to drop off or pick up children, and the streets surrounding the school are in near gridlock. The addition of large dump trucks to this already over-crowded traffic situation will negatively impact the District, and increases the chances of an accident involving one of the dump trucks which could result in environmental contamination.

For all of these reasons, the District respectfully urges the DEC to deny the proposed ADD and to instruct the developer to adhere to its original plans. Alternatively, other ways to export the soil from the site, for example by barge or ferry, should be explored even if there is an additional cost involved. The health and safety of the District's school children should be of paramount importance in this process.

Thank you for your attention.

Very truly yours,



Robert H. Cohen

RHC:dp

cc: Board of Education (via email)
Dr. Rosmarie Bovino, Superintendent of Schools (via email)