



## NEW YORK STATE LEGISLATURE

May 2, 2016

The Honorable Basil Seggos, Acting Commissioner  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233-1011

The Honorable Howard A. Zucker, Commissioner  
New York State Department of Health  
Corning Tower  
Empire State Plaza  
Albany, New York 12237

Re: Former Marble Quarry Landfill  
DEC Site # C360143

Gentlemen:

We are writing to express our concern regarding the proposed Remedial Action Work Plan ("RAWP") for 109-125 Marbledale Road (the "BCP Site") located in the Village of Tuckahoe. We respectfully request that you defer taking action on the RAWP until the Department of Environmental Conservation ("DEC") has had the opportunity to conduct a full investigation of the larger quarry dump site of which the BCP Site covers approximately one half.

We were pleased to learn through correspondence from the DEC to one of our constituents and statements made by DEC representatives at the April 14 public hearing in Tuckahoe that the DEC has decided to classify the remaining portion of the quarry site as a potential inactive hazardous waste site. Since there is no physical separation between the BCP Site and the portions of the quarry that lie to its north and south, we believe that the investigation and remediation of the entire site should be undertaken as one action. Based on eyewitness testimony, it appears clear that the entire site was used as a dump by municipal, commercial and industrial entities, and there is no basis for treating one portion of the overall site differently for investigative purposes simply because it has been selected for potential development.

As you know, investigative work done by the developer's environmental consultant, as well as work done by consultants hired by a local community member, indicates that the landfill contains wastes deposited over a period of many years. Sources of waste include municipal incinerators, chemical and pharmaceutical companies, contractors, and an electronics business, and subsequent uses of the property include automotive repairs. Samples taken to date indicate the presence of numerous contaminants, including organic compounds, PCBs and toxic metals consistent with the reports of dumping. Given the limited investigation to date of the soil, air and water on and around the site, it

seems premature to permit a developer to disturb this toxic stew during construction and then cap it with structures and a parking lot that would make future investigations and remediation nearly impossible. The time for a complete investigation is now.

We understand that the Department of Health ("DOH") has concluded that there is no risk of exposure in connection with the quarry site. However, given that water flows through the site from north to south toward the Bronx River, we are concerned about exposure by humans and animals to contaminated water. While it is true that Westchester County residents rely on a public water supply, contaminated water could reach their basements, their gardens, and river fish that might be consumed by humans or animals. Without a more comprehensive investigation for water contamination throughout the entire quarry site and beyond, it is impossible to know the extent or nature of possible contamination or to determine what remedy might be appropriate. We are also concerned about the possible presence of toxic soil vapors in residences and businesses near the quarry site that have not yet been tested.

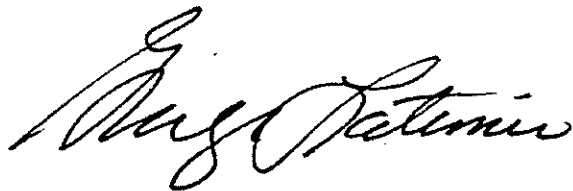
We do not believe that the residents of Tuckahoe are opposed to the concept of developing the site of the former quarry. Indeed, they are grateful that the entry of a developer into the Brownfield Cleanup Program brought to the DEC's attention a serious problem that has concerned Village residents for many years. However, they do not want the existence of the BCP Site to lead to an improperly segmented investigation and remediation of a site that should be treated as one inactive hazardous waste site.

We appreciate your concern for the health and safety of the residents of the Village of Tuckahoe and their neighbors in southern Westchester County. Please protect them by setting aside the proposed RAWP until the DEC has made a full investigation of the air, water and soil, on the full former quarry site and beyond, that may have become contaminated though years of dumping of toxic wastes. Doing so will increase our confidence, and that of the local residents, in the processes used by the DEC and the DOH to protect our environment and the health of our citizens.

Sincerely yours,



Amy R. Paulin  
Member of Assembly



George Latimer  
New York State Senator