

# Richard Brummel

PO Box 124  
Greenvale NY 11548  
Email: rbrummel@att.net  
(516) 238-1646

March 24, 2014

The Honorable Michelle Schimel,  
New York State Assembly, 16th AD  
45 North Station Plz, Suite 203  
Great Neck, NY 11021

The Hon. Supervisor Judi Bosworth  
Town of North Hempstead  
220 Plandome Road  
Manhasset NY 11030

The Hon. Edward Mangano,  
Nassau County Executive  
Theodore Roosevelt  
Executive and Legislative Building  
1550 Franklin Avenue  
Mineola, NY 11501-4898

The. Hon. Norma L. Goncalves  
Presiding Officer  
Nassau County Legislature  
Theodore Roosevelt  
Executive and Legislative Building  
1550 Franklin Avenue  
Mineola, NY 11501-4898

Mr. Michael J. Kosinki, Chairman  
The Roslyn Water District  
24 West Shore Rd.  
PO Box 326  
Roslyn NY 11576-1422

Dear Assemblywoman Schimel, Supervisor Bosworth, Executive Mangano,  
Legislator Goncalves, and Chairman Kosinski:

I have previously sent all parties (or their colleagues) emails with similar content except the Water District. In sum, I strongly oppose any plan to locate a "water-purifying" / toxics evaporation (etc.) tower in Christopher Morley Park ("CM Park"), and I believe more steps than have been taken must be undertaken even if the option is explored to locate it in a location other than CM Park. \

I wish to reiterate the following:

I am a resident of East Hills, NY and an environmental advocate. I oppose the loss of open space, trees, habitat, wildlife and the natural environment in general and in Nassau County in particular, such as would occur if a toxics-evaporation tower were built in CM Park. Further I believe a full public environmental review process is required.

I would like to offer the following points for consideration:

(1) I believe there is a strong possibility the State Environmental Quality Review Act

(SEQRA) requires the various government entities involved to perform a full environmental review -- Environmental Impact Statement (EIS) -- of the proposal to use parkland or otherwise for the water purifying/ toxics evaporation tower due to its various impacts:

- ecological,
- recreational,
- aesthetic,
- public health,
- etc.

I am interested to know where you all are on the SEQRA compliance. Has an Environmental Assessment Form (EAF) been completed? Is there a written Determination of Significance based on that form? Who is the lead agency?

As you know an EAF is required where an Action (giving over parkland or otherwise building the tower) is taken, and that EAF should describe whether or not the project may have significant adverse impacts on natural resources (ecological, aesthetic, historical, recreational, neighborhood, etc.).

The entities then need to make a written and reasoned determination of whether or not such an impact may result. If it might, then an EIS is required.

In this case I do not think it can be otherwise. I think one or more potential significant adverse environmental impacts are clear and a full environmental review is mandated.

As for North Hempstead Town, the vote for the bond is done, but there are further steps that are discretionary and an EIS should be completed before that time.

(2) To date I am aware of no definitive analysis of the etiology of the contamination -- where it is from, its extent, its future profile, etc.

Hence there is every reason to worry that this contamination may be only 'the tip of the iceberg' -- and that not only greater Freon concentrations but other chemicals as well may appear, and these will similarly be emitted into the air.

(3) Freon itself is a potent Greenhouse gas (GHG) almost 2,000 times more heat-trapping than CO<sub>2</sub>, and is a significant destroyer of the atmosphere's Ozone layer (<http://en.wikipedia.org/wiki/Chlorodifluoromethane> [3/24/13]).

While there are documents of questionable validity -- see Roslyn Water Website -- describing the ambient concentration of Freon currently expected (I emphasize the current and unsubstantiated nature of the analysis) there is no overall quantification of the total annual emission -- which is sure to be significant and needs to be measured to ascertain the overall impact of this project as a GHG emitter and Ozone depleter.

Further the NY State Department of Environmental Conservation (NYS-DEC) has specified that environmental reviews may be required to consider greenhouse gases as a matter of policy: "Energy use and GHG emissions may either be among the issues identified as being significant in a positive declaration, or included based on public scoping for an EIS." (Assessing Energy Use and Greenhouse Gas Emissions in Environmental Impact Statements, NYS-DEC, Office of Air Energy and Climate, July 15, 2009). Hence the GHG impact is arguably a statutorily mandated issue. I would argue for it.

Therefore the construction of a toxics-evaporation tower anywhere, not only in Christopher Morley Park, raises serious environmental issues that should by law be addressed.

(4) As far as I know Nassau remains in an EPA Ozone non-attainment region and the stationary source emissions would likely come under various additional air-emission regulatory requirements as well.

(5) I have seen no analysis of the water-consumption profile of the Water District and how potential conservation measures, including market-based pricing signals, could achieve adequate demand-reductions to mitigate the loss of contaminated wells.

Staff of the District have told me on several occasions that they believe water-waste is a serious problem in the District and that prices are not achieving deterrence.

As a resident it is readily apparent that elective water consumption, for example for landscaping and swimming pools, is prolific and proliferating.

(6) I understand that while there is a State and County limit on the content of Freon in the water, there is no federal guideline. According to one article: "Neither Washington nor the federal government regulates Freon-22 in drinking water. The only state that does regulate it is Wisconsin, which has a limit of 1,000 parts per billion." ([http://www.sequimgazette.com/news/article.exm/2013-06-05\\_county\\_investigating\\_detection\\_of\\_freon\\_22\\_in\\_groundwater\[3-21-14\]](http://www.sequimgazette.com/news/article.exm/2013-06-05_county_investigating_detection_of_freon_22_in_groundwater[3-21-14]))

I am curious to know how the State standard was determined and whether the contamination is significant.

(7) Finally I am not aware of a full formal analysis of alternative purification procedures and process available that would not emit the pollutants into the air, their costs and impacts. I did have a conversation with Water District staff who said that a carbon-filter alternative would be more cumbersome, but I think that analysis should be formalized prior to action which will occasion air-pollution instead.

For the above reasons -- the lack of environmental review, the dangers of the emissions, the unknowns in the emissions, the possibility of alternative mitigation -- I ask that the process be slowed down, all laws complied with (SEQRA especially), full public information at all levels of government be pursued, and that the various

questions or issues I have raised here be answered to by each agency involved.

(8) As a general issue, local governments in this area have been overall poor stewards of the natural environment, open space, habitat etc. with the possible exception of the shoreline and waters which have a more vocal and privileged constituency.

In the several years I have been back in Nassau I am aware of (1) the loss of large pieces of Eisenhower Park for an energy-guzzling private ice complex; (2) the loss of many trees and green spaces in Manhasset Valley Park for a semi-private soccer league astro-turf complex; (3) the loss of dozens of acres of a state-designated Oak-Tulip "Natural Heritage" forest in North Hills for residential and institutional development; (4) the loss of hundred of trees on Searingtown and Shelter Rock Rd. for no systematically documented scientific reason.

It should be clear that we cannot reasonably afford to lose more open space and woodland in Nassau, or further develop and degrade our parks, nor create an open-ended toxic emission smokestack, especially in a park designed as a refuge therefrom.

Finally I think it appears that you have affluent residents shifting their potentially otherwise-manageable problem onto the public-property without proper balance or public calculus. The general public deserves far more input, with or without the mandate of SEQRA.

Thank you,

Sincerely,

*signed*

Richard Brummel  
Organizer, Keep East Hills Green Civic Association  
Publisher Planet-in-Peril.org  
Cell 516-238-1646  
PO Box 124 Greenvale NY 11548

cc various media