Dear Resident:

Recently, there has been a lot of speculation regarding certain activities at the Town landfill. Many of you may have heard by now that the New York State Department of Environmental Conservation (NYSDEC) has modified the Town's permit to remove the authorization for the Town to accept non-hazardous sludge at our landfill. The purpose of this letter is to provide you with the facts regarding the situation and to answer some of the questions my office has been receiving.

First, I must emphasize that we operate one of the most heavily regulated landfills in the country. We must comply with all federal and state regulations, including the New York State landfill law, and are under constant supervision by the NYSDEC. We also receive active oversight by the United States Environmental Protection Agency.

Also, contrary to some media reports, the material is not raw sewage. The non-hazardous sludge, also referred to as "bio-solids," is the final remnants of the sewage treatment process. The bio-solids that were shipped from New York City were the result of the most extensive treatment process available. The following is a description of the treatment process provided by New York City Department of Environmental Protection:

At the City's wastewater treatment plants, wastewater undergoes five major processes: preliminary treatment, primary treatment, secondary treatment, disinfection and finally, sludge treatment. Sludge, the by-product of the treatment process, is digested for stabilization and is then dewatered for easier handling. The resulting material is known as bio-solids.

The material was inspected by the New York City Department of Environmental Protection during the treatment process, and was tested by Phoenix Environmental Labs, an independent lab from Connecticut. Every test the Town has been provided with from this process has indicated that the material did not contain any hazardous substances. In addition, the Town's permit requires that the NYSDEC have an on-site monitor at the landfill to ensure compliance with regulations and permit conditions.

The Town landfill is operated under a permit granted by the NYSDEC. Since 1990, that permit has included language that allowed the Town to accept non-hazardous sludge. This permit has been renewed or modified six times since 1990, and was renewed as recently as last year, on July 29, 2010. In the permit, special condition number 17 included the following language:

The facility is permitted to accept wastes specified within 6 NYCRR Part 360- 8.3(d) (1), specifically including non-hazardous ash from waste-to-energy facilities having a maximum moisture content of 20%, non-hazardous sludge and sludge ash, downtime waste, untreatable residues from recycling, composting, bulk metal recycling, and transfer station operations, and clean fill, as defined under 360-8.2(a)(1), including both unprocessed and pulverized construction and demolition debris.

Since 2008 the Town has accepted non-hazardous sludge from other Long Island municipalities, including, most recently, from Huntington, Riverhead, and North Hempstead. Last year, a carting company, Coastal Distribution LLC, won a contract with New York City for the disposal of non-hazardous sludge. Coastal contacted the Town to request a quote on a disposal cost at the Town landfill. The Town responded that it could accept the material for $30 per ton, and Coastal decided to dispose of the material at the Town landfill. This arrangement was memorialized in a contract between the Town and Coastal for a period of three years. Deliveries to the landfill began on June 1, 2010.

Since the Town began accepting the bio-solids, it has continuously modified its procedures to improve operations. When the Town began receiving complaints about landfill odors further procedural changes were implemented. The Town altered the delivery times of the bio-solids to ensure adequate time to cover the material before the end of the work shift. The Town also altered procedures for placing the material on the side slopes of the landfill and the consultant worked on further recommendations for improved procedures. All of these steps were taken in order to
mitigate the odor concerns at the landfill.

On March 24th, Town Fire Marshals responded to Frank P. Long Elementary School at 8:01 in response to a complaint about a noxious odor in the school. Town Fire Marshals responded with Hazmat equipment to investigate the incident. I was informed of the situation at roughly 9:30 a.m. Because a concern was raised regarding a possible risk to human health, I temporarily suspended delivery of the bio-solid material until further testing and investigations could be completed. I spoke directly with Superintendent Cipp and Assistant Principal Mazziotti and advised them of my decision.

The battery of air tests completed at the school by Town Fire Marshals and Suffolk County Police Emergency Service all came up negative for any hazardous materials. In particular, the air was tested for volatile organic chemicals, toxic industrial chemicals, hydrogen sulfide, carbon monoxide, and explosive or flammable materials. That testing was repeated at approximately 1:30 in the afternoon and the tests again came up negative. Similar tests conducted on March 25th also came up negative. The Town Fire Marshal requested further sampling on Monday March 28th and Tuesday March 29th, and the results of those tests will be made available to school officials. To date, all of the testing of the bio-solids and air near the Town's landfill have indicated absolutely nothing hazardous about the bio-solids.

On Friday, March 25th, NYSDEC notified the Town of its intent to modify the Town's landfill permit. The modification removed authorization to accept non-hazardous sludge at the landfill. As I said in a statement issued shortly after that notification, the Town will, of course, comply with NYSDEC's decision.

The incident has been dealt with by me, members of my staff, the Town Board and the employees of the Town responsible for the management of the landfill with the safety of the Town residents as our utmost priority. I am very confident that with all the tests that have been completed, the residents of the Town and the students in the school district are safe and not in any danger. Key members of my staff will continue to work with the NYSDEC to address the complete and final resolution of this issue.

I hope that this letter clarifies some of the potential confusion in the community about this issue and if you have any further questions please contact me at (631) 451-9100 or marklesko@brookhaven.org.

Sincerely,

Mark Lesko

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