



March 20, 2017

VIA ELECTRONIC MAIL

Steve A. Ecklund, Mayor
David Burke, Village Administrator
Village of Tuckahoe
65 Main Street
Tuckahoe, NY 10707

**RE: Former Marble Quarry Landfill Remediation
Response to Latest Marbledale Road Coalition Allegations**

Dear Mayor Ecklund and Village Administrator Burke:

Per request of Mayor Ecklund dated March 19, 2017, I am writing on behalf of my client Bilwin Development Affiliates LLC, to provide you with a factual account of the ongoing environmental remediation of my client's development project, the future Marriott SpringHill Suites on Marbledale Road. Specifically, I would like to correct false and misleading claims purported by some individuals affiliated with the Marbledale Road Environmental Coalition, a group whose sole stated mission is to attempt to disrupt and halt this duly approved project.

Independent and Regulatory Verification

First, let me state unequivocally that the site is being remediated safely and in accordance with all federal, state and local regulations, and poses no immediate health or safety risk to the community. The health and safety of the Tuckahoe community remains our top priority, which is why my client has taken extraordinary measures at considerable expense to ensure that all cleanup measures are completely transparent and totally verifiable. As you are aware, my client has voluntarily agreed to subject the site cleanup and construction, which is being conducted by accredited and licensed firms with impeccable professional track records, to a remarkable and unprecedented level of scrutiny by independent, specialized contractors hired by the Village of Tuckahoe and other jurisdictions. In addition, all work is performed and approved by the New York State Department of Environmental Conservation and the New York State Department of Health. Accordingly, all information contained herein has been verified by these regulatory and independent authorities. To claim otherwise is simply false and defamatory.

Safe Removal of Contaminated Source Areas

Comprehensive testing of soil, air and groundwater throughout the site, beyond what is normally required at a similarly contaminated Brownfield Cleanup Program site, identified 11 soil contamination "source areas" that will be remediated before the site is capped and construction of the hotel begins. State environmental law defines source areas as having areas of concentrated contamination that exceed acceptable levels, thereby requiring remediation. So far, all but two

contaminated soil “source areas” at the site have now been removed. The remaining two source areas will be removed within the next two weeks, as we are consulting with the Village and its consultants to address two issues.

1. In Source Area 4, excavation work uncovered two large tanks. Testing, which has been insensitively verified, revealed that these tanks contained petroleum, not chemicals as has been falsely stated. It is not uncommon to uncover old fuel tanks on Brownfield sites, nor is it an uncommon occurrence in Tuckahoe. As such, you can be assured that these tanks will be safely removed in a manner that will be approved by the Village.
2. Since it began in January, the cleanup work has encountered one area where source material for Freon contamination may have been found. On February 15, workers began to uncover hundreds of aerosol cans (not canisters), all labeled Mitchum deodorant and Mitchum cream. They were found in the same area where prior investigation results found evidence of Freons. Presumably, the cans were disposed of prior to the closing of the municipal dump in 1978 when certain Freons were banned from consumer products. The cans are now safely contained in three dumpsters awaiting proper disposal. The Freons are not airborne and have not been detected in the groundwater. Soil vapor extraction wells will be used to remediate the Freon contamination, per methods approved by the Village, its consultants and the DEC.

The above issues are expected to be fully resolved within the next two weeks, again, with complete and full adherence with federal, state and village requirements.

Community Air Monitoring Has Detected No Release of Harmful Vapors

During the soil removal work to date, no special contingency precautions have been required because there have been no odors or vapors that have required special measures to be taken. There are five air community air monitoring stations: three around the soil areas being worked on, another in between the work area and the nearest building, and one near the Waverly School. Additional air stations were added during the source removal work. Should they be required, contingency measures are in place to address any community impacts including advanced water and foam dust suppression techniques in line with the standards established by DEC. If for some reason these measures do not work, then the excavation area must be immediately filled back in. To date none of the community protection measures have been required, as has been verified by the state and the Village’s independent experts.

Site Remains Safe for Cleanup Work and Regrading

Contrary to false claims made about the status of site safety, the DEC and DOH have not required any of the construction or remediation employees to work in protective equipment. The present OSHA mandated site protection remains at Level D, the lowest risk level, requiring only work boots, safety goggles and hardhats. Level D occurs when the atmosphere contains no known hazard, and work functions preclude splashes, immersion, or the potential for unexpected inhalation of or contact with hazardous levels of any chemicals.

Community Engagement

My client remains committed to an open and transparent cleanup and development process. Since November of last year, the environmental team has conducted open community meetings every two weeks to brief the public on the status of the cleanup. The next community meeting is scheduled for 7 p.m. on March 29 at the Community Center. In addition, all presentation material about the site and the cleanup including air, soil and water quality test results are made available on the Village's website. Link: <http://www.tuckahoe.com/home/pages/proposed-hotel-restaurant>

Completing the Cleanup & Permanent Cap on the Landfill

We are pleased to report the short-term impacts from the cleanup, including the trucks leaving the site with contaminated soil, will end soon. Site regrading has already begun and is expected to last several weeks. This will clear the way for installation of a permanent cap and other remedial systems to treat vapor that will collectively complete the environmental cleanup of the former marble quarry landfill.

Economic and Employment Benefits for Tuckahoe

While the primary community benefit of the project is the cleanup and repurposing of a contaminated landfill, there are significant direct and indirect economic benefits that will be generated by the Marriott hotel and future restaurant. The approximately \$7 million remediation project and projected \$31 million development will create 120 construction jobs and 110 direct permanent jobs as well as associated tax revenue to enhance the Tuckahoe community.

In conclusion, I want to commend the administration, especially Mayor Ecklund, who has held my client to an exceptionally high standard. In my considerable experience and professional assessment, the Village and its Planning Board has done an admirable job of providing the public with assurances that go far and well beyond what is normally required of developers in the Brownfield Cleanup Program. I can only attribute this to abundance of caution and deference to public safety. With this in mind, and out of respect for the community, we are pleased to continue providing the Village and the public with updates on the cleanup and construction as needed.

Thank you for your continued support of Bilwin's efforts to remediate and redevelop this Site.

Sincerely,

KNAUF SHAW LLP



LINDA R. SHAW

cc: Michael Musso, HDR
Bilwin Development Affiliates, LLC
Kevin Carpenter, NYSDEC



William Canavan, HES