



April 3, 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 the request of Mayor Ecklund dated April 3, 2017, I am writing on behalf of my client Bilwin Development Affiliates LLC, to continue to provide you with a factual account of the ongoing environmental remediation of my client's development project, the future Marriott Spring Hill Suites on Marbledale Road. Specifically, I would like to correct the continuing false and misleading claims by some individuals purported to be affiliated with the Marbledale Road Environmental Coalition (MREC), a group whose sole stated mission is to attempt to disrupt and halt this duly approved project. MREC continues to be using its alarmist allegations primarily to solicit donations for its "experts."

Unprecedented Project Oversight by Public Officials

First, the statement from MREC that public officials "have not taken community protective actions" is totally unfounded. All work to cleanup the site has been approved and overseen by the New York State Department of Environmental Conservation (DEC), the New York State Department of Health (DOH), and environmental professionals from HDR hired by the Village to oversee the cleanup. The Town of Eastchester engaged independent environmental professionals from Ecosystem Strategies to assess the impact of the project on air quality in the Town of Eastchester. The Town's independent environmental professionals concluded that the cleanup activities had no meaningful impact on air quality in the Town—a conclusion reached based on the air sampling conducted on the very dates referenced in the MREC statement.

Finally, Bilwin has engaged its own licensed environmental professionals, HES, to ensure that the public is not adversely impacted by the project. All of these environmental professionals conclude that the project is protective of the surrounding community and the environment, and the cleanup of the site as approved *is necessary* to protect the environmental and surrounding community. Thus, contrary to the assertions of MREC, the public officials with responsibility for ensuring the public is not adversely impacted by the project have taken a remarkable and unprecedented level of community protective actions by engaging independent, environmental professionals to oversee the project.

The Community Air Monitoring Program is Protective of Human Health

The community air monitoring program (CAMP) for the site is based on the CAMP used by NYSDEC and NYSDOH for many years at hundreds of remediation sites across the State. Here, my client has taken extraordinary measures at considerable expense to go beyond what is typically required for a CAMP system. Typically, CAMP air monitoring stations are located at the perimeter of a remedial site; here, Bilwin has employed five community air monitoring stations for the site work, including three *immediately 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. The CAMP action levels in place for this site are consistent with those deemed protective by DOH, and contingency measures are in place to address any community impacts. These contingency measures include advanced water and foam dust suppression techniques, and, if these measures are unsuccessful, then the work is suspended and the excavation area must be re-covered. Of note, since the CAMP readings are taken *at the excavation*, if an excursion is noted, it is at a much high concentration than what would be measured at the fence line of the site.

During the soil removal work to date, there have been no CAMP exceedances. Notably, the DEC and DOH have not required any of the construction or remediation employees to work in protective equipment for vapors. 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.

As for the March 2 fence line data “funded by a private citizen,” this “data” was presented by one of MREC’s “experts” in the court proceeding brought against the project by several Tuckahoe citizens. As detailed in the affidavit of the Air Quality Scientist from HDR submitted on behalf of the Village, MREC’s fence line data collection was not based on recognized methodology, lacked basic scientific protocols to ensure that the validity of the data, failed to account for background and other potential sources of TCE emissions along this portion of Marbledale Road, which is an industrial and commercial part of the Village, and applied arbitrary multipliers to artificially inflate measured air concentrations of TCE.. The Village’s Air Quality Scientist concluded that MREC’s assertions suggest that the TCE levels measured at the site boundary are far below New York health-based guidelines and that the CAMP is protective of public health and the environment. A copy of the HDR Air Quality Scientist’s affidavit is available upon request.

Even more egregious than the arbitrary methodology used by MREC to create artificially inflated results in its sampling on March 2, MREC’s comments about the February 16 data taken on behalf of the Town of Eastchester are intentionally misleading and evidence of bad faith intended solely to foster alarm and anxiety in the community, with the apparent goal of obtaining donations to fund more “expert” analysis. MREC compares the presented data result of 14.0 µg/m³ to the “Long Term safety guideline for TCE” claiming the results were 70X the standard.¹ MREC’s so-

¹ MREC misstates the Long Term Guideline for TCE as 0.02 µg/m³, when in fact the Long Term Guideline (or AGC) for TCE is 0.2 µg/m³, a factor of ten.

called “expert” appears to intentionally create alarm by comparing the measured concentrations associated with the remediation work to long-term guidelines, since long-term guidelines establish recommended exposure limits associated with “long-lasting effects from exposure lasting months, years, or lifetimes and are based upon a conservative annual exposure,” not the short-term potential exposures which are clearly the case with the cleanup work at the site. In contrast, the Town’s own *independent* environmental professionals, Ecosystem Solutions, concluded, based on this same data, that the cleanup activities had no meaningful impact on air quality in the Town.

Plainly, MREC is only seeking to foment alarm in the community with its claims. Indeed, it could be said that the only adverse impact to human health associated with this site cleanup is the unfounded fear and anxiety perpetrated by MREC and its “experts” on some members of the community.

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 to brief the public on the status of the cleanup. The next community meeting is scheduled for 7:30 p.m. on April 26. 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>

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 development will create 120 construction jobs and 110 direct permanent jobs as well as associated tax revenue to enhance the Tuckahoe community.

In conclusion, we continue to commend the administration, which has held our 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.



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

Sincerely,

KNAUF SHAW LLP

LINDA R. SHAW

cc: Anthony S. Colavita, Eastchester Town Supervisor
Mary C. Marvin, Mayor, Village of Bronxville
Dr. Walter R. Moran, III, Eastchester School Superintendent
Mari Doyle, Principal Waverly School
Michael Musso, HDR
Bilwin Development Affiliates, LLC
Kevin Carpenter, NYSDEC
William Canavan, HES