

E-MAIL:
SI@FINKKINSELLA.COM

SIMON V. KINSELLA
100 MAIN STREET -- BOX 792
WAINSCOTT, N. Y. 11975

M (631) 903-9154

October 24, 2016

Town Attorney Michael P. Sendlenski

Town of East Hampton
159 Pantigo Road
East Hampton, NY 11937

Re: Hexavalent Chromium (Cr VI)

Dear Mr. Sendlenski,

Please accept this letter on its own merits.

The Environmental Protection Agency (EPA) provides detailed information about the health effects of hazardous pollutants, like hexavalent chromium (Cr VI), in its Health Effects Notebook for Hazardous Air Pollutants under fact sheet titled Chromium Compounds¹.

Within the fact sheet on Chromium Compounds, the EPA has "*classified chromium (VI) as a Group A, known human carcinogen by the inhalation route of exposure.*"² The fact sheet continues: "*The Reference Dose (RfD) for chromium (VI) is 0.003 mg/kg/d [3.0 µg/L/d] based on the exposure at which no effects were noted in rats exposed to chromium in the drinking water.*"³ The fact sheet also specifically cites "*cement-producing plants*" as a main source of hexavalent chromium⁴.

I admit that there may be academic discourse as to the exact levels of hexavalent chromium required to cause gastrointestinal effects such as abdominal pain, vomiting, and haemorrhaging; respiratory tract effects such as perforations and ulcerations of the septum, bronchitis, decreased pulmonary function, pneumonia, asthma, and nasal itching and soreness; or cause a significantly increased risk of lung cancer. But regardless as to the exact levels hexavalent chromium required to cause these array of ailments, it is indisputable that the

¹ <https://www.epa.gov/sites/production/files/2016-09/documents/chromium-compounds.pdf>

² U.S. Environmental Protection Agency. Integrated Risk Information System (IRIS) on Chromium VI. National Center for Environmental Assessment, Office of Research and Development, Washington, DC.

³ U.S. Environmental Protection Agency. Integrated Risk Information System (IRIS) on Chromium VI. National Center for Environmental Assessment, Office of Research and Development, Washington, DC.

⁴ U.S. Environmental Protection Agency, Health Effects Notebook for Hazardous Air Pollutants, Fact Sheet Chromium Compounds, Sources and Potential Exposure

presence of hexavalent chromium at elevated levels in our drinking water is dangerous and a potential health hazard for Wainscott residents.

The East Hampton Star published an article on September 27 stating that: "*Sample levels in East Hampton water authority supplies ranged from .033 parts per billion [0.033 µg/L] at a Montauk well field to a high of .54 parts per billion [0.54 µg/L] at a Wainscott well.*" (Please find article attached.)

To be clear: testing confirmed that Wainscott already has the highest level of hexavalent chromium in East Hampton water authority wells. It is also worth noting that water authority wells are typically four times deeper than most private wells, and therefore, the expected levels of hexavalent chromium found in private wells (my husband and I use one such well for our drinking water) would be much higher than that found in water authority wells.

I am no Albert Einstein, but it doesn't take a scientist to join the dots ...

We know that there is a cement plant located immediately above the water aquifer, which in turn provides drinking water for the many private wells downstream, and we know that cement plants are a source of hexavalent chromium which is a dangerous health hazard. We also know that the highest level of hexavalent chromium in the Town occurs in Wainscott.

I find myself asking one simple question: Why is a cement plant permitted to operate immediately above the water aquifer which is our sole source of drinking water? This should be a matter of great concern for the Town of East Hampton.

I understand that the property where the cement plant currently operates was once allowed to operate a sand mine, but I find it difficult to believe that this past use now permits the owners to operate a cement plant – a cement plant that is the most likely source of a poison confirmed to be in our drinking water.

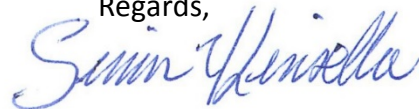
Quite apart from the Town's moral and ethical obligations to act in the best interests of its residents, the potential legal ramifications are frighteningly mind-boggling.

If I were made aware of the aforementioned facts, and in the knowledge of these facts failed to look into an operation which may or may not be an illegal use, but which is potentially poisoning Wainscott residents' drinking water; I would be actively assessing and mitigating the potential legal consequences for the Town of East Hampton. As the article in the East Hampton Star states, Erin Brockovich won "*a \$333 million settlement for residents of a California town whose drinking water was poisoned by chromium-6 released by the utility.*" My husband and I are taxpayers within the Town, and we would NOT look kindly upon being saddled with a huge legal settlement that would ultimately have to be paid by the residents of the Town.

May I humbly suggest that the Town engage the services of Professor Christopher J. Gobler, Ph.D. of the School of Marine and Atmospheric Sciences at Stony Brook University (or another independent scientific organization), to thoroughly test the drinking water within Wainscott for hexavalent chromium, including private wells downstream from the cement plant – a cement plant that is permitted to operate by the Town. The costs involved to conduct such tests would be no more than \$5,000 - \$7,000, which is inexpensive when compared to a potential settlement in the millions of dollars.

As I said, I am no scientist and I do not know the exact health ramifications of the hexavalent chromium that already has been found in our drinking water, but regardless, there is sufficient evidence to warrant finding out for sure. Please test our drinking water.

Regards,



Simon V. Kinsella

c/c: Larry Cantwell, Town Supervisor
Kathee Burke-Gonzalez, Council Person
Sylvia Overby, Council Person
Fred Overton, Council Person
Town of East Hampton
159 Pantigo Road
East Hampton, NY 11937

Commissioner Basil Seggos
Department of Environmental Conservation
625 Broadway
Albany, NY 12233-1010

Senator Tom O'Mara
Chair, Senate Environmental Conservation Committee
Legislative Office Building, Room 307
Albany, NY 12247

Associate Editor Joanne Pilgrim
The East Hampton Star
P.O. Box 5002
East Hampton, N.Y. 11937

Senator Kemp Hannon
Chair, Senate Health Committee
The Senate, State of New York
State Capitol, Room 420
Albany, NY 12247

Professor Christopher J. Gobler, Ph.D.
School of Marine & Atmospheric Sciences
Stony Brook University
239 Montauk Highway
Southampton, NY 11968

Administrator Gina McCarthy
Office of the Administrator, 1101A
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W
Washington, DC 20460

Wainscott Citizens' Advisory Committee
via Email to individual members

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