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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 Compounds[1].

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 chromium[4].

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 hazardous 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.

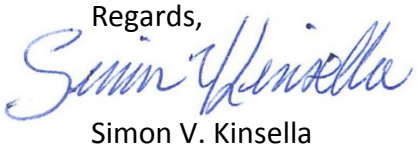
Quite apart from the Town's moral and ethical obligations to act in the best interests of its residents, the potential legal ramifications are frighteningly mind-boggling.

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
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Wainscott Citizens' Advisory Committee
via Email to individual members

THE EAST HAMPTON STAR
SHINES FOR ALL

Chromium-6 Detected in East Hampton Wells

By Joanne Pilgrim | September 27, 2016 - 10:24am

The Suffolk County Water Authority's base in East Hampton Taylor K. Vecsey

A toxic element labeled a carcinogen by the federal Department of Health and Human Services has been found in 93 percent of Suffolk County Water Authority wells, including a number in East Hampton Town.

Chromium-6, or hexavalent chromium, an element that occurs naturally in rocks, plants, soil, and animals, but is also produced and used by a variety of industries, from leather tanning to chrome plating and the production of dyes and pigments -- and has been found to be released into the environment by the electric power industry — was detected in tests conducted between 2013 and 2015.

There is no nationwide safe drinking water standard for chromium-6. However, in California scientists concluded that the ingestion of tiny amounts of the element can cause cancer. In that state, chromium-6 was at the center of the legal battle chronicled in the 2000 movie, "Erin Brockovich," the true story of a legal clerk who spearheaded a fight against Pacific Gas and Electric, winning a $333 million settlement for residents of a California town whose drinking water was poisoned by chromium-6 released by the utility.

California scientists set a safe level, at which the chemical would not be expected to cause a health risk over lifetime exposure, at .02 parts per billion. Public health goals — which are not legally enforceable —in New Jersey and North Carolina were set at .07 p.p.b.

Nonetheless, California regulators set legal limits for chromium-6 in drinking water at 10 parts per billion, "after aggressive lobbying by industry and water utilities," said the authors of a report on the chemical issued last week.

Sample levels in East Hampton water authority supplies ranged from .033 parts per billion at a Montauk well field to a high of .54 parts per billion at a Wainscott well.

Of 808 water samples from water authority wells across Suffolk County, chromium-6 was found in 751, or 93 percent of them.

In the report issued on Sept. 20, based on water test data compiled by the Environmental Protection Agency, the Washington, D.C., Environmental Working Group said that "potentially unsafe concentrations" of chromium-6 were detected in the water supplies for more than 200 million Americans in all 50 states, more than two thirds of the country's population.

Based on that, they estimated that the chemical "will cause more than 12,000 excess cases of cancer by the end of the century."

The levels of chromium-6 in East Hampton water are all below a general standard set by the federal Environmental Protection Agency. There is no E.P.A. standard of any kind specifically for chromium-6; instead, the agency has set a standard of 100 parts per billion for total chromium, which includes all forms of chromium, including chromium-6.

But, "in order to ensure that the greatest potential risk is addressed," the agency says, the assumption is that all of the chromium may be the more toxic chromium-6 — meaning that the agency allows levels of up that amount in drinking water without notification to consumers.

The water test results of samples taken from wells on Oakview Highway and Spring Close Highway in East Hampton, Fresh Pond Road in Amagansett, and Accabonac Road in Springs, as well as on Flamingo Avenue and Montauk Highway in Montauk, among others, show levels that are to be expected of the naturally occurring chromium-6, Kevin Durk, the Suffolk County Water Authority's director of water quality and laboratory services said on Sept. 21. "We have nothing close to the MCL [maximum-contaminant-level allowed] at all," he said.

The water authority follows the standards set by state and federal law regarding chromium, he said. For some chemicals, however, more stringent standards are set based on in-house analysis and recommendations. But, he said, "there is a difference of opinion about the health effects" of chromium.

The E.P.A. is reportedly evaluating the risks of chromium-6, with a report to be released for public comment next year.

But federal regulations "are stalled by a chemical industry challenge," a "standoff between scientists and advocates who want regulations based strictly on the chemical's health hazards, and industry, political and economic interests who want more relaxed rules based on the cost and feasibility of cleanup," said the authors of the report released last week, Dr. David Andrews and Bill Walker, a senior scientist and a managing editor at the Environmental Working Group.

The report details examples of how industry pressures have influenced chromium regulation. Though the E.P.A. prepared a draft report on the contaminant in 2011, the study authors say, its completion was delayed after interference by industry interests.

Under the Safe Drinking Water Act, the E.P.A. is required to test water for up to 30 unregulated contaminants every five years in order to assess whether new regulations are warranted. Over the past two decades, according to the study authors, the agency has ordered tests for only 81 chemicals and developed new regulations for only one of them, perchlorate — and those have not yet been implemented.

The federal law says the E.P.A. must determine the level of contaminants in drinking water at which no adverse health effects are likely to occur, based on exposure over a lifetime.

That "health goal," however, is not a legally enforceable mandate. It differs from the maximum-contaminant-level standard set by the agency, which is a legal limit for levels of contaminants in the water of any public system.

An E.P.A. website says that the maximum contaminant levels "are set as close to the health goals as possible after considering costs, benefits, and the ability of public water systems to detect and remove contaminants using suitable treatment technologies."

"We always try to be on the cutting edge, and be proactive," said Mr. Durk of the Suffolk County Water Authority yesterday. His lab tested water for 398 compounds last year, he said, far above the 149 contaminants for which New York State requires testing. And tests are done more frequently than required, Mr. Durk said — at a minimum of twice a year. The water authority publishes its water test results in a comprehensive report distributed to the public annually.

There are various forms of treatment the water authority could use to remove chromium from water supplies, Mr. Durk said, should that be deemed necessary, and, he said, in-home carbon filter systems have been found to remove it, at least temporarily.

About the Author

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