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February 6, 2019

Jay Schneiderman, Supervisor
& Members of the Southampton Town Board
Southampton Town Hall
116 Hampton Road
Southampton, New York 11968

**RE: Groundwater Resources Protection
Improved Groundwater Monitoring of Mining Operations**

Dear Supervisor Schneiderman, and Town Board Members;

Over the past several years, an increasing body of scientific evidence (generated locally by the Suffolk County Department of Health Services and the NYS Department of Environmental Conservation) has documented significant groundwater contamination, and risks of contamination associated with the current and past operation of sand mines, as well as other vegetative waste processing facilities.

As members of the Town Board are aware, a recent report issued by the Suffolk County Department of Health Services in June of 2018, specifically identified significant aquifer contamination beneath the "Sand Land" mine in Noyac. The results of this report document the presence of nitrates and several heavy metals at levels well above groundwater and drinking water standards, despite the mine being approximately 137 - 154 feet above the top of the local groundwater table. A prior Suffolk County report issued in 2016 documented substantial pollution beneath a number of vegetative waste processing operations across Suffolk County.

As a result of the public health and environmental concerns raised by this documented contamination (and those documented from other industrial operations in Suffolk County), NYS Assemblyman Fred Thiele and State Senator Ken LaValle introduced a critically important piece of legislation that was subsequently passed by the New York State Legislature and signed into law by Governor Cuomo in October of 2018.

This new amendment to Section 23-2703 of the New York State Environmental Conservation Law provides for local governments on Long Island to adopt and enforce local laws or ordinances that require the monitoring of groundwater impacts resulting from mining or the reclamation of mining.

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The importance of this law is underscored by the fact that existing New York State mining permits do not require any comprehensive groundwater monitoring sufficient to effectively monitor groundwater quality beneath active mines or mine reclamation activities.

As experience has proven time and time again, the value of regular data collection and evaluation from potentially polluting uses can significantly reduce the likelihood of widespread groundwater contamination. In addition to limiting the likelihood of groundwater contamination, regular monitoring and assessment can also substantially reduce the potential costs of a groundwater clean-up or infrastructure expansion needed to remediate contamination once it has left the offending site.

As part of our ongoing efforts to protect and restore the health of our surface and groundwater resources across the region, we strongly urge Southampton Town (and every other East End municipality with ongoing mining or mine reclamation activities underway), to adopt the necessary local law(s) that would achieve the objectives of the above-referenced enabling New York State statute amendment.

Moreover, given what we have learned from the recent groundwater testing conducted by New York State and Suffolk County, we would strongly urge the Town Board to also consider pursuing a local groundwater monitoring requirement for any industrial waste processing operation that may be operated by the Town or under control of Town zoning.

Only through such local legislation can residents of our region be assured that their community is employing the most stringent regulatory oversight of industrial operations that could significantly contaminate our precious and vulnerable drinking water supply.

Thank you for your time and attention to this letter. If I can be of any further assistance, please feel free to contact me at your convenience.

Sincerely,



Robert S. DeLuca
President