

Sunday, July 23, 2006

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Well tests are public concern

VALLEY VIEWS

By Debra Hall

The water you get from a private well is not really private. Although it ends up in your drinking glass, dishwasher or bath, the water traveled a distance, past other homes and businesses. How others respect their land, septic, etc., can affect the water coming out of the tap from your private well.

Consider this: Your family conserves water during a drought, and you are careful about what you pour down your drain or put on your lawn. Others who share the aquifer may not be as careful. You might have a neighbor who, for the last 20 years, has been draining gas onto the ground from a lawnmower. The water may pass an industrial area where they spilled industrial solvents on the ground which contaminated the water.

All this can affect your air, soil and water without your knowledge.

According to Dutchess County Executive William Steinhaus, a private well-testing law would be dictating what citizens do on their private property. This statement is absurd. Consider that we need permits for almost everything we do on our land. We must pay for permits to install a bathroom and update a deck. This is supposedly for safety reasons.

I cannot think of anything more important than the water a family drinks, cooks and washes with. Just ask those living in neighborhoods with contaminated water. Yes, it is scary but it is better to know and mitigate the contamination than ignore it.

According to an article in the Poughkeepsie Journal, Steinhaus also feels the government should not arrange discounted water tests. This statement is ludicrous. Doesn't the county ask for bids for jobs for most everything? Literature written by Dr. Michael Caldwell, commissioner of Dutchess County Health Department, on fliers, in newspapers and on the health department's Web site is more than confusing. Volatile organic compounds such as trichloroethylene (TCE), trichloroethane (TCA) and tetrachloroethylene (PCE) are not discussed. Not only are these chemicals hard to detect without testing, they are also potentially the most hazardous. TCE is present in more than half of the Superfund sites and is a potential carcinogen.

All of this, plus Caldwell's refusal to answer questions asked of him by the Dutchess County Legislature, puts to question what his motives are. Why is he so against what his board of health recommended?

Board did the right thing

The board held hearings, did research and came to a conclusion. They decided they would change the sanitary code. They found the common water needs to be tested for chemicals. Most board members are doctors who only have our health and safety in mind. They are not builders, they are not gas station owners and they are not afraid to do the right thing.

It was a slap in the face for Dutchess County Attorney Ronald L. Wozniak to wait a few days after the well-testing law was supposed to be in effect to tell the Board of Health all its work was in vain.

Since the board voted and decided it is a matter of health to change the sanitary code, Dutchess legislators need to take its findings seriously. It is better to try to avoid cancer than to treat it.

Many are moving to this beautiful county. I hope these people think of our government as looking out for their health. The expression "you do not have anything if you do not have your health" rings true in this case. I hope our county officials do the right thing. If not, we always have a choice in November.

Debra Hall is the founder of Hopewell Junction Citizens for Clean Water and conservation co-chairwoman of the Sierra Club Mid Hudson Group

Saturday, July 15, 2006

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State attorney general may weigh well-test law

By Dan Shapley

Poughkeepsie Journal

The Dutchess County Board of Health is challenging the county attorney's opinion it lacked the authority to mandate well testing.

Board President Harry Lynch and Dr. William Augerson, the chief author of the well-test rule, asked the Dutchess County Legislature to seek an opinion from the state Attorney General.

"As we understand the county attorney's opinion, he indicates we have transgressed the law. We do not think this is the case," they wrote to legislators.

The Board of Health well-testing rule was to have required extensive private well testing whenever property was sold, and periodically on properties serving tenants. In recent years, between 1,000 and 1,200 homes with private wells were sold annually.

County Attorney Ronald L. Wozniak's July 5 legal opinion declared the rule "null and void." He suggested the board had overstepped its authority as an advisory board in the executive branch.

A call to Wozniak Friday was not returned.

The Legislature will consider making a law that would be similar to the Board of Health's initiative in the coming weeks. The Board of Health's letter also urged legislators to do so.

The attorney general's opinion, they wrote, would be "important to the future work of the board," because they believe Wozniak's opinion throws into question the legality of other aspects of the sanitary code. The code governs Health Department activities, from inspecting restaurants to ensuring water is suitable for swimming at camps.

Marc Molinaro, R-Tivoli, said he wants the second opinion and would push laws to strengthen the board's authority if the Wozniak's opinion is correct. He also said he would vote for a law requiring well testing, though incentives for voluntary testing are also needed.

"There is no role for the Board of Health if that is, in fact, a right opinion," Molinaro said.

Dan Shapley can be reached at dshapley@poughkeepsiejournal.com

Saturday, July 15, 2006
Letters to the editor

Officials required to protect health

Shame on you, Dutchess County Executive William Steinhaus.

The idea well testing is an issue of private property rights is absurd. If we followed your reasoning, anyone with private property could do anything on it.

What if one of your neighbors wanted to run a slaughterhouse or an auto- body-painting facility, a metal-finishing plant or a brothel? Would that be OK? Or maybe something less obvious — what if someone wanted to install a 10-foot high cyclone fence with a barbed wire top and floodlights next door? Silly, isn't it? Probably against all kinds of regulations.

In certain jurisdictions, we are not allowed to burn leaves or trash on our property. We have regulations requiring us to drive at the speed limit, to use seat belts and not to put our babies in the front seat of the car.

Throughout Dutchess, people's health have been put at risk because some individuals chose to dump hazardous materials on their private property in ways that damaged underground sources of drinking water for their neighbors.

Had a well-testing law been in place, the people in the Hopewell Precision and Shenandoah Road Superfund sites would not have been drinking contaminated water for more than a decade. It is immoral and unethical for any elected official to refuse to do all he can to protect the health and safety of the people he serves.

Dianne Olsen, Poughkeepsie

Water testing should be taken seriously

I have read the July 8 Journal article "Steinhaus: No consensus on water testing," and Dutchess County Executive William Steinhaus and his views.

I am really disgusted. I live in the Hopewell Precision Superfund site, and although I do not have well contamination, I did have air contamination before the U.S. Environmental Protection Agency installed an air system in my home.

As a matter of fact, my house was more contaminated than any house in two Superfund sites. If well testing were mandatory, I certainly would have known about the contamination in the neighborhood that I was buying my house in and would not have even looked at the house to begin with.

Now I am left with a life of uncertainty of what health problems I, as well as the rest of my family, can have down the road. My father had prostate cancer, which I believe could have been caused by the TCE.

Before my air system was installed, I had chronic bronchitis and sinus infections.

The state Department of Health does not do anything but dance around the potential dangers of TCE. Awareness is the key to keeping people from being exposed to harmful things, and I am sure Steinhaus would not find himself living in one such Superfund site. At least with well testing if there are chemical contaminations in neighborhoods people would know.

We pay taxes and their salaries, and I think they should do everything in their power to keep us safe.

Sharon Whalen, Hopewell Junction

Thursday, July 13, 2006

www.PoughkeepsieJournal.com

Well tests program proposed Legislature will study new measure

By Dan Shapley

Poughkeepsie Journal

The Dutchess County Legislature is poised to breathe new life into the Board of Health private well testing mandate.

Legislators Sandra Goldberg, D-Wappingers Falls, and Marge Horton, R-East Fishkill, submitted a resolution Wednesday that would set up a private well testing program in the county. Under the new law, as of Dec. 1, wells would need to be tested whenever homes are sold, and periodically by landlords on properties with tenants.

The Board of Health's drive to ensure private drinking water meets health standards comparable to those of public supplies was derailed July 5 when the county attorney voided it. The attorney believes the board usurped legislative authority when it required well testing.

Cost is issue

A full range of tests could cost about \$525, and cost has been among the reasons critics have opposed well testing mandates.

"I think we have an obligation to protect people and ensure that they have quality water to drink," Goldberg said. "There should be the same water quality standard for both private and public water."

Goldberg said Democrats support the measure. So with Horton's support, it appears to have all the votes it would need to pass the evenly split Legislature. It's far less certain, however, that there are enough votes to override a veto.

County Executive William Steinhaus hasn't stated his position on such a measure, but said last week proponents would have to prove testing wells justified government intrusion onto private property. Steinhaus couldn't be reached Wednesday.

The earliest chance for a vote would come in September.

A similar law that took effect in Rockland County in February survived a court challenge. State lawmakers have also considered well testing programs.

Horton first drafted a well testing law three years ago, after the discovery of colorless, odorless and potentially hazardous chemicals in dozens of wells prompted residents to petition government for action.

Resident lists problem

The groundwater in Sharon Whalen's neighborhood in East Fishkill — now the Hopewell Precision federal Superfund site — is contaminated with two industrial solvents, trichloroethylene and trichloroethane, that were dumped in the early 1970s. She believes the contamination would have been discovered and addressed years before she bought her home in 1999 if a well testing law had been in place.

"Prior to us living in this house, we were hardly sick at all. When we moved into this house, my husband and I were sick all the time," Whalen said.

"These are the dangers, and these are the circumstances that people are living with. To not acknowledge the problem, and to not do something to change it so it doesn't happen to other people, I think is irresponsible. I really hope they pass this bill."

Dan Shapley can be reached at dshapley@poughkeepsiejournal.com

Thursday, July 13, 2006
Letters to the editor

Well testing protects the general public

According to Dutchess County Executive William Steinhaus' statements in the Saturday Poughkeepsie Journal, mandatory well testing would entail an unjustified government intrusion on the rights of private property owners.

Perhaps Steinhaus can explain why when a new well is drilled or a septic system installed, the county Department of Health must approve both the design and installation of these facilities.

My understanding is that groundwater moves from property to property and what my neighbor does today could be my problem tomorrow. I believe this migratory behavior of groundwater is the justification for the Health Department approvals, as government's function is to promote and protect public health and welfare.

I believe that government function is also the basis of our local zoning regulations that govern land use. Given the number of polluted groundwater sites that have already been discovered in Dutchess without any concerted effort to find them, Steinhaus' apparent intent to abandon government's role in providing for the welfare of our county's citizens is an unconscionable act for someone in his position.

Addressing groundwater pollution is not and never has been a "private matter" as Steinhaus has characterized it in his statement. Just ask anyone in our county dealing with a polluted well.

Michael Trimble, Rhinebeck

Originally it was the Dutchess Legislature that was asked to mandate a Private Well Testing Bill. We were told many times that they did not think it would be legal for them to impose such a law. They never voted on it. One reason was they wanted to wait and see what happened with the board of health. Residents went to the Dutchess Board of Health because of the inaction of the legislature.

We asked the Board of Health to have hearings and listen to our point of view. The board also did their research. After a few hearings and lots of hard work done by the board, they decided that to protect residents from drinking tainted water which can cause illness and cancer, they would change the sanitary code. This would require private well testing when a home is sold. The department of health commissioner, Dr Caldwell, had over 1 year and was given 125 thousand dollars from the legislature to do his job and figure out what was needed to be required to make this law work.

Dr Caldwell sent out a very poorly written and confusing flier. And a few weeks before the law was supposed to take effect he wrote an article which had incorrect information and did not even mention what to do to test for Volatile Organic Compounds. These are the the types of chemicals affecting the water and air in many communities including 2 separate federal superfund sites in East Fishkill. If anyone were to look at the Department of Health website you would be told to boil your water if it is contaminated. There is no distinction of what type of contaminated water to boil. Depending on the kind of contamination, boiling can make the water worse and cause it to evaporate, contaminating the air in your home. That is just one example of the so called education Dutchess is sending out to their residents.

Next, here comes a county lawyer who, in his opinion, says the board of health lacks the authority to mandate a well testing law. This is the same excuse we were told by the legislature years ago. Now all of a sudden it is the legislators job? Why wait after the law was expected to take effect to say something? This county lawyer should have spoken up more than one year ago. Seems to me there is a game getting played here and the residents of Dutchess County are the losers.

This excuse has been used one time too many. It is time that the representatives who are supposed to safe guard the people of Dutchess County, stop acting like puppets. Do your jobs and protect the residents. Who is pulling their strings and who are they protecting? Certainly not us! The people who pay their salary!

Saturday, July 8,
2006

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Steinhaus: No consensus on water testing Issue a challenge for Legislature

By Dan Shapley
Poughkeepsie Journal

County Executive William Steinhaus frames the discussion about mandating or facilitating private well testing in ideological terms.

Mandating well tests would mean dictating what private citizens do on their property. Arranging discounted well tests would mean monkeying with the free market.

In an interview Friday, he stopped short of stating his position on government-mandated private well testing, or the wisdom of government arranging a contract so residents can buy discounted well tests.

Those, he said, are for the Legislature to decide. But he's yet to be convinced.

"It's private property. Someone would have to convince any elected official why the government should intervene on private property for a private matter," Steinhaus said.

"I don't believe there is a consensus in this community at any level that the government — federal, state, county or town — should intervene on private property for that purpose."

Private well water quality has been an issue in Dutchess County since residents in several neighborhoods learned that colorless, odorless and potentially hazardous chemicals had polluted their wells, in some cases for decades.

Residents petitioned the county to mandate well testing so private wells owners have an assurance of water quality akin to people on public supplies, which are regularly tested.

The Board of Health changed the sanitary code a year ago to require tests when property is sold, but it was declared void Wednesday by the county attorney.

The Legislature approved a water protection strategy last fall that called for a feasibility study for arranging discounted well tests for residents. Commissioner of Health Dr. Michael Caldwell and Director of Central Services Donald Miller outlined logistical and financial barriers for such a program Thursday.

Proponents have compared a well test mandate to required seat belt use — something government requires private citizens to do for their protection, whether they like it or not.

"With the history we have here in Dutchess County of well water contamination, to do nothing ... would be irresponsible," said Marge Horton, R-East Fishkill. "It's time for the Legislature to do the right thing."

Brad Kendall, Chairman of the Legislature, supports discounted well tests in some form, but not mandated well tests at real estate sales. He said both could be government functions, however, and he wants the Legislature's environmental committee to consider them.

"Hopefully," he said, "we can flesh out the answers."

Dan Shapley can be reached at dshapley@poughkeepsiejournal.com

Friday, July 7,

2006

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Well-test discounts put on shelf Legislators place heat on Caldwell

By Anthony Farmer
Poughkeepsie Journal

Dutchess County's health commissioner came under fire from county lawmakers Thursday after informing them the county would not set up a voluntary cooperative to offer discounted tests of privately owned wells.

The heated exchange came a day after the County Attorney's office said a mandated well-testing regulation adopted by the county Board of Health last year — that was to have taken effect last Saturday — was null and void. County Attorney Ronald Wozniak said it was up to the county Legislature to adopt such a provision, not the board, which mainly serves in an advisory capacity.

In September, legislators approved a measure asking the health and central services departments to assess the feasibility of arranging for discounted tests of privately owned wells for chemical contamination.

Memo offers findings

Moments before appearing in front of a county legislative committee Thursday, Caldwell and Donald Miller, director of central services, distributed a five-page memo to lawmakers outlining some of what they found.

Caldwell said the proposed cooperative was very unusual and difficult to accomplish. But under repeated questioning from legislators he would not directly answer whether such a program was feasible.

"That's up for you to determine," Caldwell replied at one point. "There is not one simple answer."

The Board of Health approved mandatory testing as a way of finding existing groundwater pollution. Several local neighborhoods have struggled with contaminated wells.

Many legislators saw the discounted well tests as a compromise between the more strict mandatory well testing and the current policy of encouraging property owners to have private wells tested for contaminants.

Local labs have offered discounted bulk purchases for other communities.

But the memo from Caldwell and Miller said two separate requests for proposals only resulted in two bids from certified labs. But each proposal left many unanswered questions, they wrote.

County legislators have introduced legislation in the past to require all private wells be tested before a home is sold, but have never voted on it.

"I have sat patiently for the last four and a half years and listened to this drivel," Legislator Marge Horton, R-East Fishkill, said angrily to Caldwell at one point.

Horton has been a leading proponent of a well-testing law.

Legislator Suzanne Horn, R-Pleasant Valley, who proposed the voluntary purchasing cooperative, said she was disturbed by the "lack of answers" and "red herrings" she said Caldwell presented.

Anthony Farmer can be reached at apfarmer@poughkeepsiejournal.com

Thursday, July 6, 2006

Ruling rejects edict on well test

By Dan Shapley

Poughkeepsie Journal

The Board of Health is "an extension of the executive branch of government" and lacks the authority to mandate private well testing, according to an opinion of County Attorney Ronald L. Wozniak dated Wednesday.

The decision clarifies, at least for now, confusion in the real estate industry that had put the status of 133 homes with private wells in question. The rule was to take effect last Saturday.

The Board of Health a year ago approved a change to the sanitary code that required the county to ensure private wells have been tested before homes could be sold.

The Board of Health's role is primarily to advise, consult and recommend, Wozniak wrote in his opinion. The board does, however, have the authority to "promulgate regulations" related to public health.

A fine line

Wozniak said the defining line between an appropriate and inappropriate action is based on the potential implications for matters other than public health. He said the same court decision that struck down the board's 1999 rule banning indoor smoking applied to well testing.

"The conclusion was, from reading the cases, that really this is a matter for the Legislature – the people, rather than an administrative agency," Wozniak said. "That has nothing to do with the promulgation of regulations. It's who is going to balance these kind of interests. Those are policy matters, and that's a legislative function."

Six years ago, county residents petitioned the Legislature to mandate well testing, and Legislator John Horton, R-East Fishkill, drafted a resolution to that effect.

The initiative was then turned over to a committee of legislators, which last fall passed a set of recommendations on water quality protection. County leaders at that time also asked the Board of Health to make recommendations.

County Executive William Steinhaus has yet to respond to the Legislature's water quality protection strategy, which includes a request the county arrange discounted well tests for county residents who have discounted bulk purchases for other communities.

The Board of Health approved the change to the sanitary code because it believed well testing was a key strategy for finding existing pockets of pollution, such as those that have contaminated several neighborhoods.

Colorless, odorless and potentially harmful chemicals had gone undetected for decades for some areas. In one case, a government study concluded longtime residents of the Shenandoah Road Superfund site in East Fishkill could face a greater risk of developing cancer because of polluted well water.

The Rockland County Legislature passed a well testing rule that took effect in February, and the Board of Health's rule. It has been upheld in court.

Bills stalled in Albany

Both the state Assembly and Senate passed bills related to private well testing this year, but they did not match, there will be no action on the state level.

There were 133 sales pending on Dutchess County homes with private wells, Sandy Tambone, chief officer of the Mid-Hudson Multiple Listing Service, said Wednesday.

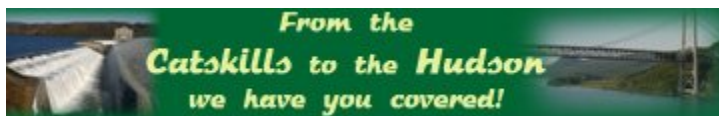
Polluted water could require expensive treatment, and some fear bad test results might lower home values. Critics say mandated tests are costly and unfair.

Lenders require bacterial tests before approving mortgages. These proposals would have required a set of tests comparable to those for public water supplies. The cost of a full gamut of tests for lead, salt, inorganic and volatile organic compounds is likely to run close to \$525.

Board of Health Chairman Harry Lynch said the board would discuss Wozniak's decision, and the board might take in response, at its August meeting. He said well testing would protect public health.

"We went out there to try to do what we were charged with doing," Lynch said.

Dan Shapley can be reached at dshapley@poughkeepsiejournal.com



Friday, July 7, 2006

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County attorney says Dutchess Board of Health oversteps its authority with well testing policy

The Dutchess County Legislature, not the county Board of Health, has the authority to pass a well testing law and therefore, the policy implemented by the Board of Health is null, void and unenforceable, County Attorney Ronald Wozniak said in a memo to the Board of Health.

The memo, dated July 5, said an agency board is an extension of the executive branch of government. "The constitutional mandate of 'Separation of Powers' requires the legislature to pass laws, the executive branch enforce laws, and the judiciary interpret laws," Wozniak wrote. "When one branch attempts to perform the functions of another branch of government they are assuming powers which they do not constitutionally possess."

Therefore, he wrote that in his opinion, the Dutchess County Board of Health "acted in excess of its authority" and he declared the well testing rule null, void, and unenforceable.

That amendment to the county Sanitary Code, adopted by the Board of Health in June 2005, would have required that private wells be tested whenever a residence is to be sold.

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Sunday, June 25, 2006

Silence won't do on well tests

Dutchess County officials have had plenty of time — a year, in fact — to devise how they are carry out a regulation aimed at protecting vital water sources.

They should get to it.

Last year, the Dutchess County Board of Health determined private wells would be tested for chemicals whenever a home is sold in Dutchess. The board gave a generous deadline for county officials, including Health Commissioner Michael Caldwell, to implement the plan. It is supposed to start July 1. The county Legislature socked aside \$125,000 to start the program this year, but Caldwell has released no details about how the program will work and whether, in fact, the county will carry out the board of health's directive.

County Executive William Steinhaus and Caldwell have resisted attempts to launch the mandatory testing. Steinhaus says the department is grappling with other important health issues, ranging from childhood obesity to potential threats of bioterrorism and, therefore, doesn't have the resources to devote to the well-testing program.

"We have existing priorities," Steinhaus said.

But this water initiative deserves far more consideration than it is getting. Dutchess has between 30,000 and 40,000 private wells. And it has rung up a distressing list of places that are dealing with tainted water. In some cases, these places are so contaminated, they have been designated federal Superfund cleanup sites.

Taxpayers may be saved money in long run

Millions of taxpayer dollars will be spent to clean up the contamination in cases where the pollution cannot be identified and to provide alternative, public sources of water to the residents.

Better testing of private wells could catch some of these problems before they spread. And it is not recently that health officials have paid more attention to associated problems, such as "vapor intrusion," gases from polluted groundwater that seep up through soil and accumulate in homes.

Certainly, residents should, on their own accord, have their wells tested to ensure they not suffer the fate of hundreds of homeowners in Dutchess. Trouble is, many people wrongfully assume their wells are not in jeopardy when, in fact, they could be. While some neighborhoods in East Fishkill have been the focal point, they are not alone. There have been groundwater problems at a neighborhood in Fishkill Park, as well at several businesses in the hamlet of Pleasant Valley. In fact, when 36 wells were

in the rural Town of Clinton recently under a voluntary program, 16 percent were found to be contaminated. Five had petroleum, and one had the industrial chemical styrene.

Most banks require homebuyers to test wells for bacteria, but not necessarily for other types of potentially harmful contamination, such as methyl tertiary-butyl ether, a gasoline additive, and tetrachloroethylene, a metal degreaser and dry cleaning agent.

Board of health commissioners recognize a problem when they see one. So using their power under the sanitary code, they voted to mandate more comprehensive tests to private wells whenever a home is sold in Dutchess, as well as to force landlords to have to test wells every six years to ensure tenants are safe. Similar laws are on the books in New Jersey and Rockland County.

A comprehensive water testing through a state-certified lab costs can cost between \$150 to \$600 depending on how extensive the testing must be. The board of health wanted Caldwell to develop parameters of the test.

The Legislature also passed a resolution in the fall asking the department of health to negotiate a discounted rate for residents wishing to have their wells tested. Caldwell has not returned requests to discuss these matters in detail.

County officials need to settle this matter. Ignoring the board of health's decision could have serious consequences in the future.

Sunday, June 25, 2006

www.PoughkeepsieJournal.com

Well testing bill gains Senate OK Measure won't see action until next session

By Dan Shapley
Poughkeepsie Journal

Sen. Steve Saland's private well testing bill passed the Senate on a party-line vote in the last day of the legislative session Friday, but the state will take no action to ensure the quality of drinking water from private wells this year.

Absorb cost shock

But the Senate version was amended to include a provision with the potential to resolve one of the major sticking points — cost to residents. Buyers and sellers, who are required, or choose to test a private well, would get a break on the state's real estate transfer tax equivalent to the cost, somewhere between \$150 and \$600 depending on the contaminants tested for.

"I'm hopeful that the Assembly will look at this approach," Saland, R-Poughkeepsie, said. "To they've dug in their heels on mandatory well testing."

The Dutchess County Board of Health directed the Department of Health to require well tests whenever homes are sold, beginning July 1. The Health Department has evaded questions about whether it will implement that program on time or at all.

Dutchess County residents whose wells have been contaminated by colorless, odorless and potentially harmful hazardous wastes have lobbied for action on the well testing rules for six years.

Solvent causes illness

Among its most vocal proponents is Debra Hall, whose neighborhood was designated as the Hopewell Precision Superfund site after decades-old contamination was discovered in wells in 2003. The industrial solvent trichloroethylene, allegedly dumped by the cabinet manufacturer Hopewell, has been linked to cancer, liver problems and other illness in laboratory animal studies.

"Unless there is mandatory well testing, people are not going to test," Hall said. "And if you don't test, you're not going to find contamination; and if you don't find contamination, what is the use of the law?"

Dan Shapley can be reached at dshapley@poughkeepsiejournal.com

One of the essential services of public health is: **Enforce laws and regulations that protect health and ensure safety (e.g., enforcement of sanitary codes to ensure safety of environment)**

Perhaps our Health Commissioner needs to re-learn what his job is!

www.PoughkeepsieJournal.com

Friday, June 16, 2006

Do you need to do well tests? County health official is mum

Implementation strategy questioned

By Dan Shapley
Poughkeepsie Journal

The Dutchess County commissioner of health refused Thursday to answer Board

of Health questions about whether the county is prepared to implement a private well-testing rule on July 1.

Dr. Michael Caldwell also dodged questions about whether the department would implement a water-protection strategy passed by the Legislature. That strategy includes a provision to reduce the cost of well tests for county residents by buying in bulk.

One year ago today, the county Board of Health amended the sanitary code and required the Department of Health to administer a private well-testing program. The main provisions of the rule would require well tests for a variety of contaminants whenever property is sold, and periodically when wells serve renters.

Criticism of the health department well-test rule has centered around the anticipated cost to the department and private citizens. The health department hasn't updated a rough estimate of \$250,000 to implement the program. Well-tests cost in the range of \$150-\$525, depending on what contaminants are tested for.

It's seen as a way to discover any pockets of colorless, odorless hazardous wastes, such as those that have been found polluting groundwater in several Dutchess neighborhoods in recent years. In at least one case, a government study found residents in the Shenandoah area of East Fishkill face an increased risk of cancer because of polluted groundwater.

Thursday, Board of Health Chairman Harry Lynch asked Caldwell, "Do we have an implementation strategy for July 1 when someone calls up and asks, 'Do I have to get my well tested?' "

Caldwell replied: "We certainly recommend that everyone's well get tested."

When pressed to answer the question, Caldwell refused and reiterated his statement that well owners would be wise to test wells for contaminants.

County Legislator Suzanne Horn, R-Pleasant Valley, pressed Caldwell to discuss the progress on implementing the Legislature's water protection measures, passed last fall.

Caldwell said there had been discussions between County Executive William Steinhaus and legislative leaders and that the executive branch hadn't "crafted a response." He refused to give his own opinion.

"At this point, since that has not been finalized, I'd rather wait until he finishes his review," he said.

"Can't you be more specific?" Horn asked. "There is absolutely no information at the Legislature."

Dan Shapley can be reached at dshapley@poughkeepsiejournal.com

My review of Dr Caldwell's article in the Poughkeepsie Journal

My education about MTBE is limited, but a very important fact about the smell of MTBE was brought to my attention. Most people will smell MTBE in the water at concentrations of 20-40 PPB and it is important to point out that the standard in NY is 10 PPB. So your water could certainly be dangerously contaminated and **NOT smell bad. The smell is certainly not fragrant. It is turpentine like in smell.**

Dr. Caldwell once again, did not inform people about Volatile Organic Compounds, AKA, VOC's. You know, things like Trichloroethylene, TCE, one of the most common poisons found in superfund sites. Chemicals found in the water that can cause cancer, liver and kidney disease and birth defects. Those chemicals that you cannot see, smell or taste. Those chemicals caused by dumping from companies such as Hopewell Precision and IBM. Why does the Dr who is the head of our Health Department, who gets paid with our tax dollars not inform the citizens about VOC's and how to test for them? I have a few ideas but I will let you use your own imagination.

And why is this article in the Poughkeepsie Journal 3 weeks before the Dutchess County Department of Health is supposed to implement a private well testing law in the county? Why did he not even mention the change in the sanitary code nor the new law? I find that very interesting.

Would any of you out there like to bet me that Caldwell's health department WILL NOT institute the new law July 1? Come on, bet me.

One more thing, the brochure he mentions. The brochure we all had delivered to us in the mail. I am curious to know how much that useless waste of our tax dollars cost. That was certainly one of the biggest waste of money I have seen in awhile. To completely leave out talking about VOC's in the brochure tells me he does not believe they are dangerous. Otherwise he would discuss them, don't you think?

The Dutchess County Department of Health Commissioner completely ignored our superfunds site situation. It is as if we do not count. Our contamination does not count. The way we were contaminated does not count. Dr Caldwell, inform the people of Dutchess County about VOC's!!!!

Debra Hall

Sunday, June 11, 2006

Have your drinking water tested

By DR. MICHAEL CALDWELL

You're thirsty. You grab a clean empty glass, turn on the kitchen faucet and fill it with cool refreshing tap water. You drink it down, knowing you are giving yourself something healthy, natural and essential.

Usually, that's the extent of it. If water comes out when the faucet handle is turned on and the water tastes "OK," most assume everything is OK. While that's usually a good rule of thumb, unfortunately it is not always the case.

Contaminated water may not always taste different than clean water. Taste alone does not guarantee safety. The quality of your drinking water can change over time; therefore, monitoring must be ongoing to allow early recognition of a problem and a quick response with necessary corrective steps.

Many public and private supplies are drawn from groundwater sources that may be susceptible to contamination. Public water system monitoring is done on a daily basis and is closely monitored by your county Department of Health for various types of biological and chemical contaminants. Private well water supplies are the sole responsibility of the homeowner.

The first thing you need to know is the source of your drinking water. Is your drinking water from a private well or a public water supply system?

Contamination of private wells can occur in different ways: the dumping of used car oil on the ground, the pouring of antifreeze down the drain or the overuse of pesticides around the house and in the yard. Poorly maintained septic systems can negatively affect neighboring wells. Septic tanks that are not regularly pumped or septic systems that are abused with grease and other non-biodegradable objects are prone to failure. If a system fails, there is a chance sewage may affect surrounding wells. It is important for homeowners to know the location of their well and regularly conduct a survey of the area to identify whether any of these potential contaminants are present and then take steps to correct them.

So what kinds of contaminants can be found in a well? Biological contamination is one of the most common. This type of contamination usually shows up in water quality test reports as coliform bacteria, which may denote the well is contaminated with either dirt or sewage. Generally, when bacteriological testing is conducted, an analysis will also be done for E. coli bacteria, a harmful agent that can cause gastrointestinal illness and diarrhea. Presence of E. coli indicates sewage is getting into the well.

You can smell MTBE

If either coliform or E. coli bacteria are detected, individuals should contact the Department of Health for guidance on disinfecting and re-testing their well. No one should consume water containing E. coli bacteria until proper remedial action has been taken and follow-up samples indicate the water is safe for drinking.

MTBE is another contaminant that may be found in drinking water supplies, usually because of leaking underground fuel tanks or gasoline spills. MTBE contamination is unique since, unlike

bacteriological contamination, at low concentrations in water MTBE has a fragrant odor. Homeowners should monitor changes in water odor. MTBE is a gasoline additive that dissolves easily in water and moves quickly over long distances. MTBE is now banned from gasoline, so we hope to see fewer such contaminations in the future. Drinking water with MTBE levels greater than 10 parts per billion is not recommended.

Certain chemical agents (nitrate, lead and copper) can also affect your water supply and are of special concern to residents with young children. These chemical levels should be monitored, especially if dwellings were built prior to 1986, when lead-based solder was still being used in plumbing and water delivery pipes.

Earlier this year, Dutchess issued a drinking water safety brochure to all county residents. The brochure is available online at www.dutchessny.gov.

The Department of Health recommends residents with private wells to have their water analyzed for coliform bacteria at least once a year. Samples should be taken to a New York state-approved laboratory. A list of these labs can be obtained from the department. Contact the lab you will use to find out which bottles should be used for sampling. The department offers guidance in determining if analysis for other potential contaminants should be done and guidance about treatment options. Questions may be directed to our Environmental Health Services Division at 845-486-3404 from 9 a.m. to 5 p.m. daily.

In the end, all of us have a responsibility to ensure our drinking water is protected, preserved and well maintained. By taking an active role in preventing contamination, you can ensure our water will be safe and available to us, our children and future generations.

Dr. Michael Caldwell is the Dutchess County health commissioner. His column is published the second Sunday of each month. Send questions or comments via e-mail to healthinfo@co.dutchess.ny.us

I wanted to email you this transcript from a hearing today where Congresswoman Sue Kelly continued to say that the Subcommittee on Water Resources and Environment should hold a hearing on TCE in the near future .I was told the Chairman was a little indirect in his response, but when he said he will "use the resources of the Subcommittee" that is a good indication that they are exploring what can be done in terms of a hearing. ...Debra Hall



Congressional Hearing on EPA's Brownfields Program

House Transportation Subcommittee on Water Resources and Environment

Thursday, June 8, 2006

CONGRESSWOMAN KELLY: Thank you Mr. Chairman for holding this hearing. Brownfields aren't just in cities. I represent the lower third of the drinking water reservoirs for New York City. There are Brownfields' contaminated areas that can present a real threat to that drinking water.

Of particular interest to me is TCE. I know that you are aware that the health risks associated with TCE have continued to be a significant concern for me and my constituents. I'm really happy to see Susan Bodine (EPA) here, because I know she understands the drag that bureaucratic structures can have on getting information out. But I am particularly frustrated by the lack of urgency on the part of the EPA here in Washington to set guidelines after studies done by the Agency in 2001 indicated that there were huge risks associated with TCE. There were more risks than originally thought, and it's important that we focus on getting information out.

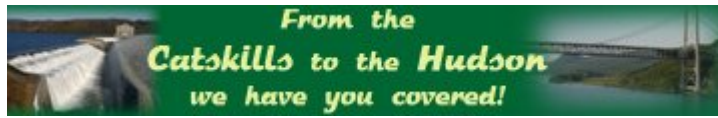
I have raised the TCE issue with you, Mr. Chairman, in committee hearings, in letters, and in private conversations, and I appreciate your personal interest and strong commitment to protecting communities across the country from public health risks associated with water contamination.

I hope that we can continue working together in exhorting the EPA to provide my constituents with the answers they need, and are really anxious to have, on the TCE problem. I am deeply concerned that the Agency is going to continue being very slow-footed in their response to this very serious problem. As we speak, the plumes are continuing to flow towards the reservoirs. And I'm hoping, Mr. Chairman, that you'll agree that this issue warrants a hearing in the near future.

CHAIRMAN DUNCAN: Well, certainly Congresswoman Kelly, you've raised this issue, as you've mentioned, several times before. And I can understand that, and I admire and respect your concern, and certainly you're correct in saying that this problem of the presence of hazardous contamination is not just in the biggest cities, but it is in areas like yours.

The Superfund Program is meant to address the issues you've raised, and I can assure you that I will be happy to work with you, and to use the resources of this Subcommittee and our staff to be sure that the program is working appropriately in a timely manner, especially in the case of TCE contamination in your district. You are really doing a good job in that area bringing all of our attention to the TCE problem, and I thank you very much.

KELLY: Thank you, Mr. Chairman.



Weekend, June 3-4, 2006

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Hopewell group continues to lobby for water testing

Hopewell Junction Citizens for Clean Water continues to lobby for approval of state legislation that would require testing of private wells when homes are sold.

The state Assembly has approved such a measure; however, the Senate has not.

Debra Hall, who lives in the Hopewell Precision Superfund Site and has a contaminated well, said it makes sense to have wells tested.

“It’s for health sake,” she said. “It’s either paying \$500 to do a whole bunch of water tests and know your water is safe, knowing the water you are giving your children is safe. Healthcare costs are very expensive. Contaminated water does cause illness. Hall said “it makes sense to know what’s in your water.”



Debra Hall

Hall has been highly critical of Senator Stephen Saland for his refusal to sponsor an all inclusive well-testing bill. He said he would support legislation that calls for testing only when there is suspected contamination in specific areas.

Hall’s group also participated in the annual “Dirty Dozen” awards announcements this week. She presented one to the Hopewell Precision Site.

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June 1, 2006

Hopewell Precision Wins 2006 Dirty Dozen Award

Groups Unveil New York’s “Dirty Dozen” Awards

“Winners” Asked to Step Up and Make Necessary Changes

(Albany) On Thursday June 1st, community and environmental groups across the state unveiled the “winners” of Citizens' Environmental Coalition’s (CEC) Third Annual “Dirty Dozen” Awards to draw attention to pollution and environmental health problems in New York State. Each Dirty Dozen award is a pair of worn children's shoes, mounted to a plaque featuring the name of the winning site and carrying the message: "NY's Children ask: Will you take the necessary steps to right these wrongs?" Each award is unique and represents how children are particularly vulnerable to toxic exposures.

“Winners” highlighted in Albany include: General Electric and the NYS Dept. of Environmental Conservation for Dewey Loeffel Landfill Superfund Site; Lafarge Building Materials and the NYSDEC for the Ravenna Tire Burning Project; Hopewell Precision, Inc for groundwater contamination and vapor intrusion; and IBM for 19 Superfund sites across NY State. Other winners, highlighted today in media events in Buffalo, Long Island and Buchanan, include Cheektowaga’s “Toxic Triangle”, the EPA for Peter Cooper superfund site, West Valley Demonstration Project, Keyspan’s Northport and Port Jefferson Power Plants, Indian Point Power Plant, New York Organic Fertilizer company and Willet Dairy, a factory farm in Cayuga County.

“The awards this year focus on how the environmental problems we’re highlighting are affecting our children and our future. I’d like the winners this year to “walk a mile in *these* shoes”- the shoes of the children affected by groundwater contamination, the waste site with no warning signs, or the air pollution in their schools and homes,” said Laura McCarthy, Program Associate with Citizens’ Environmental Coalition. “The goal of this award is to get the bad actors to take “steps” in the right direction. We hope this event will encourage them to do so.”

A selection committee evaluated nominations from across the state. It was comprised of environmental professionals, public health experts, and worker health and safety advocates: Dr. David Carpenter, State University at Albany School of Public Health; Roger Cook, Western New York Committee for Occupation Safety and Health; Jonathan Bennett, New York Committee for Occupational Safety and Health; and Bobbi Chase Wilding, Citizens’ Environmental Coalition.

The Dirty Dozen “winners” were selected based on the severity of the threat they pose and the unwillingness of the polluters and government officials to adequately address the situation.

See attached list for descriptions of the winners with quotes from each nominating group.

Citizens' Environmental Coalition (CEC) is the leading statewide environmental health advocacy organization working to eliminate pollution and protect human health and the environment in New York. For over twenty-three years, we have accomplished this by serving as the nexus of grassroots organizing, statewide policy advocacy and national collaboration. Citizens’ Environmental Coalition is already accepting nominations for next years’ awards. Visit ceto.org for more information on our work.

Hopewell Precision, Inc. (Hopewell Junction)

Groundwater contamination from Hopewell Precision, Inc. qualified this site for the National Priorities List. Both TCE and TCA are the prevalent volatile compounds. The groundwater migration pathway score was 100 out of 100, spreading 1 3/4 miles by 1/2 mile wide. EPA estimates that the pollution can effect up to 27,000 people over time as the pollution continues to spread. Under investigation by EPA and DEC between 1979 and 1993, the company managed to

pollute over 100 homes. **At the present time, 123 homes have water contamination, 51 have carbon filtration systems, 141 homes measured vapor intrusion in their sub slab and 46 homes have vapor mitigation units installed.** In 1997 and 2002, Hopewell Precision received many fines for storing TCA and TCE on their property, along with drums of unknown substances.

“Homeowners that are affected from the water and air pollution caused by Hopewell Precision, INC. have lived with this time bomb possibly for as long as 30 or more years. **Although the mitigation units installed in affected homes by the Environmental Protection Agency and the NY State Department of Environmental Conservation have cleaned up the water and air,** they are only a stop gap measure. We do not know how long it will take for the EPA to find a permanent solution or if they will ever find one. **We worry about the health studies connecting trichloroethylene and trichloroethane to cancer and other major illnesses.** Our children are especially at risk. We live with a stigma which affects the sales of our homes.

Residents are insulted when the President of Hopewell Precision asks us to consider their situation. Quote: "our corporation is being asked to assume the responsibility, stigma and long-term costs of alleged acts by our predecessors, on property the company hasn't used for more than 20 years." The fact is Hopewell Precision has used both TCE and TCA up until the late 90's.

The DEC charged Hopewell Precision with violations in 1987 and 2002 dealing with New York State hazardous waste regulations. We find this very upsetting. The victims of the Hopewell Precision Superfund site want to hear more than denials and excuses from Hopewell Precision. After all, this mess is not our fault.”- *Debra Hall of Hopewell Junction Citizens for clean water.*

www.PoughkeepsieJournal.com

Saturday, May 27, 2006

Saland wants to limit mandatory well testing Bill seeks focus on high-risk areas

By Dan Shapley
Poughkeepsie Journal

Sen. Steve Saland wants a private well-testing law that focuses on high-risk areas and limits unnecessary costs, he told the Journal editorial board Friday.

Critics say it could leave some homebuyers vulnerable.

Lawmakers have been grappling with the issue of private well-water quality, spurred on by Dutchess County residents in neighborhoods where potentially harmful levels of pollutants have been discovered in groundwater.

Public water supplies are routinely tested for contamination. Testing private

wells is the responsibility of the owners.

Saland, R-Poughkeepsie, believes his bill will pass the Senate before the legislative session ends next month, and that it can be used to negotiate a compromise with a bill passed earlier this month in the Assembly. That bill would require well tests whenever property is sold.

Mandatory statewide testing is "unfair," Saland said, because most wells would likely test clean, but people would still have to pay for the test. The cost of a well test is roughly between \$125 and \$525, depending on the contaminants tested for.

Based on the initial results of New Jersey's mandated well tests, 8 percent of homes had contamination. Most of the bad wells, however, were contaminated with bacteria or nitrates and would have been detected by the tests banks require for mortgage approval. About 1 percent failed the test because of volatile organic compounds such as those that have caused concern in Dutchess.

"I find it difficult to impose a test on each and every home in this state," Saland said. "When you're in Essex County (in the Adirondacks), on a hill, without an industrial site within 50 miles or a gas station within 30 miles ... it's unfair."

Under Saland's bill, private well testing would be required in state-designated high-risk areas. Homebuyers everywhere would be encouraged to pay for well tests.

Labs would report well-test results. The data would be incorporated into an incipient Department of Environmental Conservation database of groundwater pollution. The DEC and the Department of Health would use that database to define high-risk areas.

Health agencies would notify neighbors if a well test reveals contamination exceeding public health standards. Neighboring landlords would have to test wells serving tenants and notify them of the results.

East Fishkill resident Debra Hall said Saland's bill would leave people outside of known risk areas vulnerable. She became an advocate for well testing after decades-old contamination was found in her neighborhood in 2003. It is now a Superfund site because the colorless, odorless solvent could increase the risk of cancer and other health problems.

"It's really just a recommendation, just like people used to be given information

on why it's good to wear your seat belts," she said. "They didn't do it. There needed to be a law."

Dan Shapley can be reached at dshapley@poughkeepsiejournal.com

www.PoughkeepsieJournal.com

Saturday, May 13, 2006

Water test mandate is gaining Assembly OKs bill regulating private wells

By Dan Shapley
Poughkeepsie Journal

The effort to require testing of private wells for contamination when properties are sold took two steps forward this week.

The Assembly unanimously approved a bill that would require testing of private wells statewide, and Rockland County's well-testing law survived a legal challenge.

In a related move, the Assembly approved a measure that would require landlords to inform their tenants if fumes from polluted groundwater taint indoor air.

Since pockets of chemical contaminants have been discovered in recent years, Dutchess County advocates have been at the center of the push on government to address the quality of private wells. In several cases, potentially harmful contaminants have gone undetected for years because they are colorless and odorless.

Public water supplies are routinely tested for a number of contaminants. Testing private wells is the responsibility of their owners.

"This is a serious health issue. It has been proven that wells can be contaminated without us knowing it for 20 or more years, and the only way to know is to test," said Debra Hall, an East Fishkill resident whose neighborhood was named a federal Superfund site after polluted groundwater and indoor air were discovered there in 2003.

In July, Dutchess is to enact a rule set by its Board of Health that would require private well testing whenever property is sold. The Department of Health did not return a call Friday for an update on the progress toward implementing the rule.

Assemblyman Patrick Manning, R-East Fishkill, co-sponsored the state well-testing bill. It has no sponsor in the Senate.

"The Senate was holding their collective breath to see how it did in the Assembly," Manning said. "Obviously a unanimous vote bodes well for us. They see that across the state no one has a problem with this."

Critics say mandates would be too costly and education is more appropriate. The cost of well tests depends on the contaminants that are tested for. The cost cited ranges from \$125 to \$500.

In Rockland, four real estate agents and a homeowner had challenged a law passed by the Legislature that went into effect in February. They argued the county overstepped its authority because the state, not the county, licenses real estate professionals. They also argued the state already required a disclosure statement regarding real estate transactions.

The ruling by acting state Supreme Court Justice William K. Nelson rejected the arguments.

As of March 22, the Rockland law had revealed 50 of 83 private wells tested — 60 percent — were contaminated at levels above safe drinking water standards.

Gannett News Service contributed to this report. Dan Shapley can be reached at dshapley@poughkeepsiejournal.com

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Friday, April 14, 2006

State well-testing bill gets no backing

Saland: Local health units can take lead

By Dan Shapley

Poughkeepsie Journal

Advocates for a statewide private well testing law failed to find support in the Senate after appealing to Sen. Steve Saland, R-Poughkeepsie, this week.

Led by East Fishkill resident Debra Hall, 25 local and statewide environmental groups wrote to Saland, asking him to support a bill authored by Assemblyman Thomas DiNapoli, D-Long Island. The bill, first introduced in 2004, would require testing private wells for a variety of contaminants whenever real estate is transferred. Assemblyman Patrick Manning, R-East Fishkill, is among the co-sponsors. Without a sponsor in the Senate, the bill has no legs.

After a similar law went into effect in February in Rockland County, 36 percent of the 61 wells tested showed contamination. A similar law in New Jersey has revealed a contamination rate of about 8 percent.

Dutchess County is to implement a similar Board of Health regulation in July. The effort to enact a county rule was led by residents such as Hall. She lives in one of two federal East Fishkill Superfund sites, where colorless and odorless solvents have polluted wells.

"To provide all citizens in the state with information on the quality of their drinking water, water from private wells should also be subject to the type of testing done regularly for public water supplies," the letter reads.

Purchase can be voided

Saland proposed a bill in 2004 that would give homebuyers 10 days to void a purchase agreement if a private well shows contamination. It would also encourage counties to define contaminants most likely to be of concern.

Saland said he supports education and data compilation that can aid counties that want to require well testing for particular contaminants, or in particular areas that may be prone to contamination.

"Your local health department should have the ability to require mandatory well testing," Saland said, "Mandatory should be restricted to areas where there's reason to believe, or where it is already a matter of knowledge, that situations exist that will not be detected by the commonplace well testing you already have for mortgages."

Dan Shapley can be reached at dshapley@poughkeepsiejournal.com

Sunday, March 19, 2006

Vapor problems demand cleaning

Vapor intrusion sounds like something from an old "Star Trek" episode, but the damage caused by these toxic fumes can be very real.

For decades, environmental cleanups have focused on eradicating or at least containing the foul material in the ground. Lately, government has been paying more attention to what hazardous sites can do to the air. This broader focus is necessary and demonstrates why strong clean-up funds are imperative to do these jobs correctly.

The state has identified more than 25 hazardous waste sites in Dutchess and Ulster counties where vapor intrusion might be a problem.

The state Assembly's Committee on Environmental Conservation recently completed a report that points out why New York must be more aggressive in confronting toxic fumes. Through its various clean-up programs over the last few years, the state Department of Environmental Conservation has taken into account the possibility of vapor intrusion. The state also is taking an inventory of old clean-up sites, since those remediations occurred before vapor intrusion was a consideration.

But the Assembly committee wants more rigorous guidelines in place so the DOH would have to undertake more cleanups. These remedies include ventilating any buildings that show signs of vapor intrusion, as well as better monitoring of the sites and expanding research and community outreach about health effects. These ideas, while worthwhile, cost money to implement. They show why both the state and federal governments need strong Superfunds, and why prosecutors and regulators must go after with zeal the polluters they can identify to pay for the costs.

Folding vapor intrusion into cleanup discussions and plans is a good step but it's only the first one toward more comprehensive fixes of polluted sites.