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October 25, 2022

US Environmental Protection Agency
290 Broadway
New York, NY 10007

Attention: Hon. Lisa Flavia Garcia
Regional Administrator, Region 2
Garcia.Lisa@epa.gov

NYS Dept of Environmental Conservation
21 South Putt Corners Road
New Paltz, NY 12561

Attention: Hon. Kelly Turturro
Regional Director, Region 3
Kelly.Turturro@dec.ny.gov

Re: Violations of the Clean Water Act and related serious environmental involving Lake Innisfree (aka Lake Isle) in Eastchester, NY

Dear Administrator Garcia and Director Turturro:

We are writing on behalf of concerned residents of the Country Club, Spencer Estates and City Island communities on the shores of Eastchester Bay in the Bronx. For decades, Eastchester, Scarsdale and New Rochelle have continued to discharge increasing amounts of unfiltered storm water containing harmful pollutants directly into Lake Innisfree, which discharges into the Hutchinson River and then continues on to discharge into Eastchester Bay of Long Island Sound.

It is our understanding that the DEC has imminent plans to lower the depth of the Lake by 15 feet, apparently to inspect the integrity of the dam at the Lake's southern tip, without the benefit of the requisite statutory analysis of the seriously adverse impact of the resulting exposure to the contaminated sediments. The 15-foot drawdown, in addition to exposing these contaminant laden sediment to the open air, will dramatically increase the release of water by as much as millions of gallons into the Hutchinson River and, necessarily, into Eastchester Bay and Long Island Sound. Respectfully, this discharge would be a clear violation of the Clean Water Act, ("CWA"), 33 U.S.C. § 1251, et seq., as we are not aware of any permit in place that would allow such a release.

A June 2, 2022 soil sampling study of Lake Innisfree conducted by Northeast Aquatic Research LLC, a copy of which is attached, demonstrates that the soil/sediment at its bottom is laden with harmful and carcinogenic pollutants. These pollutants include, trichloroethane, dichloroethane, trichlorobenzene, trichloropropane, trimethylbenzene, dibromoethane, dichlorobenzene, butanone, acetone and benzene. Clearly, these same harmful chemicals are present in the water to be discharged into the Hutchinson River and beyond.

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For these reasons, we demand that DEC cease and desist from engaging in this planned activity until it is properly authorized after a fair and complete review and analysis with public disclosure of and comment on the likely adverse impacts to the water way and to adjacent communities.. The surrounding communities that will be directly affected by the DEC's actions have not been heard on this matter, nor has there been critical feedback regarding public health and safety measures that are necessary for this plan.

The lowered water levels will also expose the contaminated soils and thereby exacerbate health risk of airborne pathogens. Without question, with the lowering of the Lake, the lakebed that is exposed will dry and the contaminated soil will become airborne. The prevailing winds in the fall and winter are in the northeast, which will result in the airborne particulates being driven south, exposing hundreds of thousands of people, including residents of the Bronx.

Notably, 2020 and 2021 water quality studies taken at Lake Innisfree, copies of which are also attached, support the conclusion that unfiltered storm drainage is entering Lake Innisfree at very high rates, consistent with the findings of the soil/sediment study. We are also not aware of any permit adequately addressing or constraining unrestricted discharge of Eastchester, Scarsdale and New Rochelle stormwater through their existing piping and other stormwater systems into Lake Innisfree, which is also a violation of the CWA.

Please contact me without delay to advise of the DEC's decision regarding the violations of the Clean Water Act by its plan to drawdown the Lake and the uncontrolled stormwater that reaches the Lake, as well as the exposure of the existing contaminated lakebed sediment and soils. The public health and environmental concerns are significant. Absent immediate agency action, we will be required to seek emergency injunctive relief in the United States District Court for the Southern District of New York and will seek other appropriate relief, including an award of legal fees.

Thank you for your anticipated prompt attention to this most urgent matter.

Yours truly,

s/Edmond J. Pryor

Edmond J. Pryor
EJP/mmi
Attachments

Cc: U.S. Rep. Alexandria Ocasio-Cortez, U.S. Congress (via e-mail)
U.S. Rep. Jamaal Bowman, U.S. Congress (via e-mail)
U.S. Rep. Ritchie Torres, U.S. Congress (via e-mail)
Hon. Nathalia Fernandez, NYS Assembly Member (via e-mail)

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Hon. Michael Benedetto, NYS Assembly Member (via e-mail)
NYC Council Member Marjorie Velasquez (via e-mail)
Supervisor Anthony S. Colavita, Town of Eastchester (via e-mail)
Town Attorney Louis J. Reda, Town of Eastchester (via e-mail)
Mayor Noam Bramson, City of New Rochelle (via e-mail)
Mayor Jane E. Veron, Village of Scarsdale (via e-mail)
Mr. Peter Linderoth, Director of Water Quality, Save the Sound (via e-mail)
Ms. Elena Colon, Environmental Analyst II, Save the Sound (via e-mail)
Ms. Wendy Rosenbach, Communications, DEC (via e-mail)
Dr. Barbara Zahm, Chair, Hutchinson River Restoration Project (via e-mail)