

## Andy Patros

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**From:** Craig Slater [CSLATER@hselaw.com]  
**Sent:** Friday, November 21, 2003 1:03 PM  
**To:** apatros@stny.rr.com  
**Subject:** Re: Southside High - Final DOH Health Consultation

Andy: I'm sorry I couldn't make it too, but I'm not convinced that my raising the same issues that were raised previously with the same, unalterable responses from the DOH would have added any value.

Disappointing, sure, but a reality. This has been a done deal for some time.

It is still interesting to see DOH acknowledge, as it must, the presence of significant site contamination (at surface and below) in the fields and an unusual incidence of test. cancer in our kids, yet make no recommendations at all on that with a simply statement that it's all OK. I am convinced as well, that if these levels were at a site I wanted to develop (for commercial or industrial, let alone residential), a dig and a 2 foot cap (now the "standard" for brownfields sites under the BF Cleanup legislation signed by the Governor last month) would have been mandated. The DOH position, frankly, is inexplicable (in my view only apparently) and wholly inconsistent with any other site or project I have dealt with and with state policy. The DOH position at SSH is such an aberration for the entire DEC and DOH program it is hard to explain.

I always go back to Andy Carlson's statement to me at one point - "what am I suppose to do Craig, knock down the school." Well, yes, if you thought it was a risk. As you know, though, the school building is not the issue, in my view, but the athletic fields are. It would seem that placing a clean soil cap on all athletic fields would be cheap insurance and a small purchase for peace of mind that should have been recommended or considered. If the School wasn't concerned about how it would look from a litigation view point (acknowledging a problem?), I think they are well meaning and would do exactly that. But what do I know?

I will be preparing a letter to DOH covering a lot of this and other ground and will be happy to send you a copy.

My best to you and your family during the holidays. Craig

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>>> <apatros@stny.rr.com> 11/21/03 12:07PM >>>  
Hello Craig,

Hope all is well. I was sorry to see that you were unable to make the meeting this past week regarding the final DOH health consultation for Southside. Your input and opposing view(s) were needed that evening, as nobody on the committee uttered any word at all! Jim Hare indicated that you would be providing some observations and comments regarding this final report. If possible, would you please send me a copy of this as well?

Thanks for your assistance and Happy Thanksgiving.